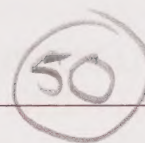


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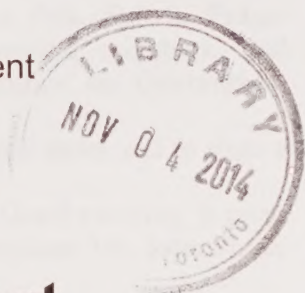
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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature



Official Report of Debates (Hansard)

Tuesday 21 October 2014

Journal des débats (Hansard)

Mardi 21 octobre 2014

Standing Committee on Government Agencies

Organization

Comité permanent des organismes gouvernementaux

Organisation

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 21 October 2014

Mardi 21 octobre 2014

The committee met at 0903 in committee room 1.

ELECTION OF CHAIR

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Good morning, honourable members, and welcome to the Standing Committee on Government Agencies.

It is my duty this morning to call upon you to elect a Chair. Are there any nominations?

Mrs. Marie-France Lalonde: Good morning. It gives me great pleasure, actually, to nominate Mr. John Fraser as Chair, please.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Mr. Fraser, do you accept the nomination?

Mr. John Fraser: I do.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Are there any further nominations?

There being no further nominations, I declare the nominations closed and Mr. Fraser duly elected Chair of the committee. Mr. Chair, if you would like to take your chair, and congratulations.

The Chair (Mr. John Fraser): All right. That was easy.

We'll get ourselves organized here.

ELECTION OF VICE-CHAIR

The Chair (Mr. John Fraser): Good morning, everybody. It's my first duty as Chair to ask for a motion for Vice-Chair. Are there any motions? Ms. Wong.

Ms. Soo Wong: Mr. Chair, I move and nominate Mrs. Martins to be the Vice-Chair of government agencies.

The Chair (Mr. John Fraser): There has been a motion by Ms. Wong. Is there any debate? Are the members ready to vote?

Ms. Soo Wong: Yes.

The Chair (Mr. John Fraser): Shall the motion carry?

Interjection: It carries. Congratulations.

Mrs. Cristina Martins: I accept.

The Chair (Mr. John Fraser): There we go. Anybody opposed? No? Okay.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. John Fraser): The second order of business is a motion for subcommittee appointment. Mr. Pettapiece.

Mr. Randy Pettapiece: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: the Chair as Chair, Mr. Rinaldi, Mr. McDonell and Mr. Gates; and

That substitution be permitted on the subcommittee.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. There's a motion on the floor that Mr. Pettapiece has moved for subcommittee. Any discussion or comments? Are we ready to vote?

All those in favour? Motion is carried. Thank you very much.

BRIEFING

The Chair (Mr. John Fraser): Since we have some new members here this morning, and new members to this committee, we will have, with the indulgence of the committee, a briefing by staff. Are we all good with that? That's great. Sylwia?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Thank you. Good morning again. I should just formally introduce myself. My name is Sylwia Przewdziecki, and I am the Clerk of the Committee. I am here to provide impartial procedural advice to all members and to the Chair. I'm also here to ensure that the administrative workings of the committee are carried out on a day-to-day basis.

My office will inform your offices of any upcoming meetings; I will provide you with materials for each upcoming meeting as soon as I possibly can; and I'm here to answer any questions and be of any assistance. You can call my office any time. My assistant, Trish Sarnicki, and I share a line, and either one of us will be happy to help you.

Given that we do have a number of new members, both to the Legislature and to this particular committee, I did want to talk a little bit about this committee because it has a very specific mandate. So I've put together a little package for all of you; it's at your desks.

Our committee has a dual mandate. First of all, it has the authority to undertake the review of any agencies, boards and commissions—or, as we refer to them, the

ABCs—that the committee wishes. Second, it has the mandate to review intended appointments to those ABCs that are made by order in council.

You will have before you a document that was prepared by our research officer—and I will be sharing my time with her this morning—and this document, which is entitled *Mandate of the Standing Committee on Government Agencies*, also provides a list of all of the agencies that are reviewable by the committee. These are agencies to which the Lieutenant Governor in Council makes some or all of the appointments, or it's an agency which is a corporation in which the crown in right of Ontario is a majority shareholder. You have a list before you of all of the ones that can be reviewed.

The research officer, Carrie Hull, participates in the meetings every week and prepares background materials for the committee, and she will speak to her role a little bit more specifically, and also maybe even more specifically, how it relates to the agency review aspect of the mandate.

0910

But I would like to talk about the appointments review process because this is something that the committee does on a near-weekly basis. This committee deals with selections of intended appointees for review and adopts subcommittee reports on a regular, almost weekly, basis. So I just wanted to explain for the benefit of the members how this all comes together.

We just appointed a subcommittee this morning. I will be in close contact with the subcommittee over the coming session.

Just to back up a little bit about the package now, I have distributed to you a copy of standing order 108, which is quite a lengthy standing order. It is the standing order that sets out the terms of reference for the committee. It is quite detailed and provides direction for the execution of our mandate.

The way this committee has operated is governed by the standing order, but a lot of it is also rooted in practice. Of the documents that you have, I've started with the certificate. I've traced the documents that relate to any given certificate, and I'll talk about how the committee deals with these documents. I'll talk about what the practice has been. I'll need your directions as to, "This is how the committee wishes to continue its practice."

You'll see a sample certificate and subcommittee report from the last session as well as the attending documents. The certificate, signed by the Premier on behalf of the cabinet, was tabled to indicate any appointments made at the most recent cabinet meeting. These certificates are for new appointments of more than one year. So the certificate is the starting point for all the work of the committee.

Once a certificate is tabled with the Clerk of the House, I receive a copy of it and forward it to subcommittee members. All subcommittee members will receive it on a Friday. I've also included in your package, for those visual learners, a little calendar. It's just a

randomized month, but it does visually trace the steps that the committee goes through.

I receive a copy and forward it to subcommittee members. As per the standing orders, the subcommittee members select from the certificate those individuals that they would like to call before the committee for review of their intended appointment. There is no obligation to select anyone and no minimum or maximum number of selections. The subcommittee makes its selections known to the full committee by way of a subcommittee report. That's on the calendar as well.

Now here's where the practice comes in. The standing orders state that the subcommittee shall meet at its own initiative to make the selections and that, upon receiving the report of the committee, it shall determine the date for the review of the selected individuals as well as the time that will be allocated for each interview.

However, the committee has established a practice to streamline this process. The practice was adopted in 1998 and has been adhered to by the committee in subsequent Parliaments, including the most recent. It was found to be cumbersome to set up subcommittee meetings, often on a weekly basis, and coordinate the schedules of all the subcommittee members so often. So the practice was developed whereby the subcommittee members receive the certificate by email on a Friday, as per the calendar, and then are required to get back to the committee Clerk with their selections, again by email, by 5 p.m. the following Thursday. Subcommittee members, you would have just under a week to get back to me with your caucus's selections.

I then proceed to notify the Public Appointments Secretariat as well as the affected ministries as to who has or has not been selected. The appointments of individuals who are not selected will proceed without the committee stage, and my office will be in touch with those who have been selected to schedule their appearance before the committee.

Rather than having to determine in each instance how much time to allocate to the review of an intended appointment, the committee adopted the practice whereby each interview was scheduled for 30 minutes. These 30 minutes are divided equally among the caucuses so that each party has up to 10 minutes to ask questions in a single round. The intended appointee is offered the opportunity to make opening remarks. Any time used for those remarks has customarily been deducted from the government's 10 minutes.

The House has authorized this committee to meet on Tuesday mornings from 9 a.m. to 10:15 a.m. It will be up to the committee to determine how best to use that time. If we continue with the practice of allowing 30 minutes per intended appointee, we will be able to schedule two interviews per meeting and have 15 minutes for any other business, such as considering subcommittee reports.

I can add here that, as per the standing orders, this committee without any additional authority may meet to consider intended appointments when the House is in an extended adjournment, so during, for example, the sum-

mer or winter recess, up to three times per month, with the subcommittee choosing those days. To meet for any other reason during the adjournment—for example, to conduct an agency review—the committee would need permission from the House.

Once an intended appointee has been selected for review, we receive biographical background on that person from the Public Appointments Secretariat. In addition, the research officer will provide a background paper for the committee. In the package that you've received, you will see that, from the sample certificates, there was a subcommittee report indicating one name and then you have a sample research document that we receive.

Yes?

Mr. Lou Rinaldi: If I could just back up: When the subcommittee is choosing an appointment after they got the certificate from cabinet, how do we—does it have to be unanimous from the subcommittee or can I or one of the other members say, “We want to interview so-and-so”? Does that become effective or do we have to have consensus within the subcommittee?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): If you look at the sample subcommittee report, you'll note the way—there's a standard format. You will note that the following intended appointees from the certificate received on such-and-such a date be selected for review, and then it's broken down by party. So we will note who the selections of the official opposition were, of the third party and of the government. If there is overlap—if, for instance, two parties selected the same individual—we would simply indicate “selection of the”—for instance—“official opposition and third party.”

But the practice has been for the committee to adopt all selections from the subcommittee.

Mr. Lou Rinaldi: All selections. Okay. Thank you.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): The research officer will prepare background information for the committee, and she can speak a little bit more to how that is prepared. Once I receive all these documents, I will forward them to you, in most cases, the week prior to the committee meeting so that you have time to review the materials. In my sample calendar, I have indicated that this will be on a Friday. If I'm able to provide them to you sooner, I will. As soon as I have them, I will provide them to you.

Only the intended appointee may be called as a witness; that is the person that you will be interviewing. At the end of the interview, the committee will vote on whether or not it concurs in the appointment. The committee must table its report with the Clerk of the House on the same day it votes on concurrence, and the report is deemed to be adopted by the House. If the House is in session, as it is now, in the afternoon following a committee meeting at which the committee voted on intended appointments, during routine proceedings in the House, during reports by committees, the Speaker will announce to the House that he has received the committee's report. I've included in your package a

sample committee report that stemmed from that appointment review that you have before you, and you'll note that it's signed by the Chair or the Vice-Chair, as the case may be.

Once the committee tables its report, then the government may proceed with the appointments of the individuals contained in the report. There are certain deadlines that we have to pay attention to. In its oversight role, the committee is certainly not trying to hinder in any way the appointments process. If no report has been made on the selected person within 30 days of their being selected, that person will be deemed to have been concurred in. However, the committee can, by unanimous consent, extend this deadline. With the two that we're dealing with per week, if we're not able to deal with all the ones that we have in the 30-day period, if the committee wishes, by unanimous consent they may extend it for a period of time of your choosing, perhaps for another 30 days, to be able to hear from those individuals.

I'll stop here and I'll ask if you have any questions. Otherwise, I will turn it over to Carrie Hull to say a few words about her role.

Mr. Rinaldi?

Mr. Lou Rinaldi: If we interview an individual for the appointment, there will be a vote, obviously, after. Is that strictly by majority?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Yes.

Mr. Lou Rinaldi: It is, whether we go ahead with the appointment or not?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): It's not whether we go ahead. It's whether the committee concurs in the appointment, so whether the committee agrees with you.

Mr. Lou Rinaldi: All right. Thank you.

The Chair (Mr. John Fraser): Any other questions for Sylwia? No.

Carrie?

Ms. Carrie Hull: Hi. I'm Carrie Hull. I'm the research officer assigned to the committee. I will usually be appearing on a weekly basis with you folks, but in instances where you decide to do an agency review that's in a subject area that there's a specialist in my office, that person might help you instead.

What research officers normally do for this committee is, if you have decided to interview some appointee, we'll prepare a short background memo for you that summarizes the mandate of the agency, discusses perhaps their finances and any pressing issues that the agency is dealing with, and we also draft a few questions that you may or may not want to ask when the appointee appears.

If you decide to go ahead with the other aspect of the mandate and conduct some agency reviews, we'll prepare a much more detailed background document for you on the various agencies that you may be reviewing. That will just provide more information and discuss more issues, perhaps provide a media overview of what's going on at the agency. Then, following any hearings that you conduct regarding that agency, we'll prepare a

summary document for you and then help you to draft the report.

We're also available to answer any research questions that might come up regarding any of the agencies that you are looking at.

The Chair (Mr. John Fraser): Do you have any questions for Carrie? Seeing as we have no more questions, I'm going to adjourn the meeting. We'll have our first meeting after we get the intended public appointments.

The committee adjourned at 0922.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Vice-Chair / Vice-Présidente

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Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Mr. Randy Pettapiece (Perth–Wellington PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Substitutions / Membres remplaçants

Ms. Soo Wong (Scarborough–Agincourt L)

Clerk / Greffière

Ms. Sylwia Przewdzicki

Staff / Personnel

Ms. Carrie Hull, research officer,
Research Services



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ISSN 1180-4335

Legislative Assembly of Ontario

First Session, 41st Parliament

Official Report of Debates (Hansard)

Tuesday 18 November 2014

Standing Committee on Government Agencies

Intended appointments

Assemblée législative de l'Ontario

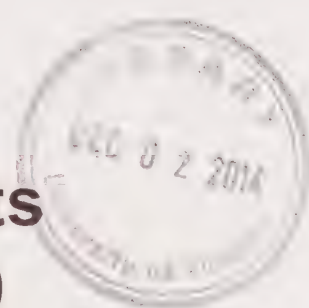
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STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 18 November 2014

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 18 novembre 2014

The committee met at 0903 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): Good morning to everybody, and welcome to the first meeting of the Standing Committee on Government Agencies. It's the first real meeting that I'm chairing, so bear with me as I'm getting used to some of the scripts and the conduct of the meeting.

Before we begin the appointments review, the first order of business is to consider our subcommittee reports. The first subcommittee report is dated Thursday, October 30, 2014. Is there someone who would like to move adoption?

Mr. Jim McDonell: Yes. I move adoption of the subcommittee report on intended appointments dated Thursday, October 30, 2014.

The Chair (Mr. John Fraser): Any discussion? All in favour? It's carried.

The subcommittee report dated Thursday, November 13, 2014: Would someone please move the adoption of the report?

Mr. Wayne Gates: Yes. I move the adoption of the subcommittee report on intended appointments dated Thursday, November 13, 2014.

The Chair (Mr. John Fraser): Thank you. Discussion? All in favour? It's passed.

INTENDED APPOINTMENTS

MR. ALEXANDRE BRASSARD

Review of intended appointment, selected by official opposition party: Alexandre Brassard, intended appointee as member, Provincial Advisory Committee on Francophone Affairs.

The Chair (Mr. John Fraser): Now we'll move to appointments review. We have two appointees today. We will consider both concurrences following the interviews. Our first intended appointee is Alexandre Brassard, nominated as a member of the Provincial Advisory Committee on Francophone Affairs. Please come forward and take your seat at the table.

Monsieur Brassard, merci d'être ici aujourd'hui. Vous pouvez parler français ou anglais. Nous avons des traducteurs. Je parle français un peu, et mes collègues aussi.

However you're comfortable and you want to proceed, we have translation.

You may begin with a brief statement—again, in either language—and members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions.

I would also like to let members know that the earpieces connect on the right-hand lower side of where your mikes are.

Monsieur Brassard?

M. Alexandre Brassard: Merci, monsieur le Président. Good morning, members of the committee. As a political scientist who often waxes poetic about our democratic institutions, I'm thrilled to be at Queen's Park this morning, and I'm honoured to meet the members of the Standing Committee on Government Agencies. I understand that I am the first intended appointment that you are reviewing, so I'll try to be a suitable appetizer.

I am Alexandre Brassard, and I am here today to offer my services as a non-remunerated member of the Provincial Advisory Committee on Francophone Affairs. My professional background is academic; I have a BA, an MA and a PhD in political science. I am the director of research at Glendon College, York University's bilingual campus. I also teach Canadian politics and co-ordinate the activities of a public-policy forum, the Centre for Global Challenges.

À un niveau plus personnel, j'ai quitté le Québec il y a plus de 15 ans pour venir m'installer à Toronto, et depuis lors je me suis impliqué activement dans plusieurs organismes de la communauté franco-torontoise. J'aime me définir comme un Franco-Ontarien d'adoption. Je suis passionné par cet Ontario français qui représente la plus importante minorité de langue officielle au Canada.

The committee's role is to provide advice to the minister responsible for francophone affairs on the development of strategies, priorities and programs which affect Ontario's francophone community, and on the planning and delivery of government French-language services. There is currently a vacancy for the central Ontario member, and I believe that my academic work and my personal involvement with the community make me well-suited for that position.

On the professional side, I work at Glendon College, which is the main provider of French-language university education in central and southwestern Ontario, as well as

a hub for stakeholders of the Toronto francophone community. My Canadian and provincial politics courses always include a strong component on official bilingualism and on francophone minority rights, so I keep abreast of those issues.

I co-edited a bilingual book on Ontario/Quebec relations which included a chapter comparing language policies in both provinces. I recently presented a paper at an academic conference in Charlottetown about the evolution of francophone minority rights in Canada since 1867, and last month I participated in the États généraux sur le postsecondaire en Ontario français, which was in your constituency, Mrs. Martins. This was a two-day gathering of stakeholders examining the state of French-language post-secondary education in Ontario.

At a volunteer level, I was the secretary of the Association des communautés francophones de l'Ontario à Toronto, ACFO-Toronto, for two terms. ACFO is the voice of the 125,000 francophones in the GTA and the local counterpart of the Assemblée de la francophonie de l'Ontario. I am a member of the provincial committee on the commemoration of 400 years of francophone presence in Ontario, and for the third year now I am the convenor of the Forum de la francophonie torontoise, a yearly event that brings together all community stakeholders to discuss major issues such as official bilingualism and francophone immigration.

I was pro bono consultant for ACFO-Toronto during the last municipal election and coordinated a survey of all Toronto candidates regarding francophone issues, so should it please the Lieutenant Governor in Council and the Legislative Assembly, I would consider it a privilege to bring my commitment, my policy skill and my knowledge of the francophone community to the service of the Provincial Advisory Committee on Francophone Affairs. There's important work to do, and I'd love to do my part.

0910

Merci de m'avoir invité à présenter mon point de vue. J'ai hâte d'entendre vos questions.

The Chair (Mr. John Fraser): So we'll begin questioning with the official opposition.

Mr. Jim McDonell: Thank you for coming out. According to our estimates in public accounts, the Office of Francophone Affairs has not seen a budget increase for some years, so value for the money is becoming a stronger component in assessing program delivery. How will you determine whether particular projects or services deliver value for money in our francophone communities?

Mr. Alexandre Brassard: The Office of Francophone Affairs still has a very modest budget considering its very important mandate and considering that it's serving 600,000 Franco-Ontarians. I would have to be briefed by the public servants to get into the detail of how the money is being spent. As a private citizen right now, the information I have access to is basically the budget, so it's not very detailed. But value for money is always important in the delivery of public service, certainly.

Mr. Jim McDonell: An issue that surfaced in my riding a couple of years ago was a statement by one of our prominent doctors that with some of the services being designated bilingual, such as the hospital in Cornwall, the policy was making it very difficult to get doctors, because in most cases doctors were unilingual English, their spouse was unilingual English—many times a nurse—and it meant that they couldn't get a job locally. The policy at the time seemed to be 100% bilingualism required for all jobs, even though it meant that the majority of anglophones couldn't get jobs. Do you see how we could put best practices in to look after the needs of both segments of the population, the majority anglophone and the minority francophones?

Mr. Alexandre Brassard: Well, I think it's always a challenge to recruit doctors in every region of the province, except the central region. Requiring a bilingual doctor makes it even more difficult; I realize that. At the same time, we have specific rules for the designation of areas. As you probably know, the current rule is that if you have over 5,000 francophones in an urban area or if you have at least 10% of the population in an urban centre or if you have significant community support, which is usually represented by support from MPPs, then the region can be designated and receive French services, so the hospital—every provincial service would fall under that purview, I believe.

Recruitment is also tied to the training of doctors, and so if we want to have more bilingual nurses, caregivers and doctors, it is important that we invest in post-secondary education and the training of bilingual doctors. The supply and the demand must meet each other.

Mr. Jim McDonell: Do you have any questions?

Mr. Randy Pettapiece: Just one: What do you feel is the best way of promoting the learning and everyday use of a language? I know it's a lot easier just to go to Quebec and talk the language all the time, but I think we need some strategies in Ontario for that very reason. Do you have any ideas on that?

Mr. Alexandre Brassard: The daily use of language in private life?

Mr. Randy Pettapiece: Strategies for promoting the learning and everyday use of the language.

Mr. Alexandre Brassard: Ontario is already making a big effort with immersion schools and with the francophone education system. That is major for the transmission of language. A good part of the work is done in the family, as well, obviously, and we need to have a vibrant cultural sphere as well. It's one thing to learn the language, but then you need opportunities to practise it, to live it. So education is part of the answer but also, I believe, cultural institutions—le Théâtre français, Cinéfranco etc.—so that it's not only a language you speak in the kitchen, but it's a language you use when you get educated, when you work, when you entertain and when you take part in cultural activities. The vitality of language is a complex phenomenon, but we need to take into account the broader social context and make it more vibrant.

The Chair (Mr. John Fraser): Okay. Mr. Gates.

Mr. Wayne Gates: Good morning. How are you?

Mr. Alexandre Brassard: Very good.

Mr. Wayne Gates: Good. What has motivated you to seek this position?

Mr. Alexandre Brassard: I have been interested in the francophone community since I moved here about 15 years ago; I've been involved. For me, moving to Ontario was an immigration of sorts. I had to learn English. I had to make new friends, make new contacts. But the existence of the French community made it much easier for me to transition and to get integrated in Ontario society.

I think this is something that happens as well for new Canadians who speak French. In the last 15 years, over 18,000 francophone immigrants settled in Toronto. This is a cause that is dear to my heart. I think we need to do better on the recruitment, the establishment and the integration of francophone immigrants. I would say this is my prime motivation to get involved in this committee.

Mr. Wayne Gates: Maybe you could describe how your previous experience will assist you in undertaking this position.

Mr. Alexandre Brassard: On the theory side, I have been studying francophone minorities in Canada for a little while. I have co-published a book on the topic. I have presented academic papers on the subject. I have been giving directed readings on language policies. So on the academic side, there is an interest, but also on the personal side, I was involved in various community organizations. ACFO-Toronto is sort of the umbrella group for the francophone community in Toronto. It is the voice of GTA francophones. I was the secretary, so that gives me a good knowledge of who the stakeholders are—I know them on a personal level—and also the issues. What are the needs of the local francophone community? I would need to get more acquainted with the needs of francophones outside of the GTA, but I'm applying to represent the GTA, and I will be listening to the points of view of my other 12 colleagues around the table.

Mr. Wayne Gates: Very good. What contribution do you hope to make to the committee?

Mr. Alexandre Brassard: I hope to bring my knowledge of the GTA community. We organize, every year, a Forum de la francophonie torontoise, which is a yearly event where all the Toronto francophone stakeholders come together and discuss priority issues. Last year it was immigration, for instance. I hope that I can bring that connection to the minister's attention and that I can be a bridge-builder.

Mr. Wayne Gates: You seem like you're a pretty busy guy. What impact will your current commitments elsewhere have on your performance as a member of this committee?

Mr. Alexandre Brassard: There's a nice synergy between the committee's activity and my academic work as well as my personal involvement. So there's a synergy. I meet some of the people on different occasions, anyway. Also, the committee meets on at least three occasions per year, so it's not a tremendous time commit-

ment. This is something I can do. I've checked my diary carefully, and it's a commitment I'm willing to do and ready to do.

Mr. Wayne Gates: My last question: You realize that you're going to be appointed in the province of Ontario to the committee, so what's your favourite hockey team?

Mr. Alexandre Brassard: I would have to say the Canadiens, Montreal, but I'm not much of a hockey guy, unfortunately.

Mr. Lou Rinaldi: What's the team in Niagara Falls?

Mr. Wayne Gates: No, we don't have one. We have the IceDogs. I was just going to say that it's almost like a question period answer there: It didn't get answered. Thanks very much, sir.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

On the government side, you have six minutes.

Mr. Lou Rinaldi: I'm not going to take six minutes, Chair.

First of all, let me thank you for coming in today. I think it's great that we get to know you on a bit more of a personal basis as we make the decision today. But more importantly, we're really impressed with your resumé and your commitment to want to volunteer for such an important role for all Ontarians, not just for Toronto Ontarians.

I really don't have a question. I just want to say thank you for doing what you do and for adding to your list of volunteer commitments. That's what Ontarians are all about. Thank you.

Mr. Alexandre Brassard: Thank you, Mr. Rinaldi.

The Chair (Mr. John Fraser): That's it?

Mr. Lou Rinaldi: That's it.

The Chair (Mr. John Fraser): Again, thank you very much, Mr. Brassard. Merci d'être ici aujourd'hui. Thank you for your time and your courtesy of speaking in les deux langues officielles.

M. Alexandre Brassard: Merci, monsieur le Président.

The Chair (Mr. John Fraser): Bear with me for one second. As we're a little early and our next intended interviewee is not here, I would like to ask the committee if we could get unanimous consent to do the concurrence right now. Is that good with everybody?

Interjection.

The Chair (Mr. John Fraser): Well, no. They would not have anticipated to get here until 9:30. If you'd rather—

Interjections.

The Chair (Mr. John Fraser): Sorry, I should have been more clear. Just the single concurrence for Mr. Brassard. Are we all in agreement?

We will now consider the concurrence for Mr. Alexandre Brassard, nominated as member, Provincial Advisory Committee on Francophone Affairs. Would someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Alexandre Brassard, nominated as mem-

ber, Provincial Advisory Committee on Francophone Affairs.

The Chair (Mr. John Fraser): Thank you, Mr. Rinaldi. Any discussion?

All in favour? Opposed? Carried.

Mr. Lou Rinaldi: Congratulations.

The Chair (Mr. John Fraser): Congratulations, Mr. Brassard. Thank you very much again. Merci.

Can I suggest we take five minutes? The next intended appointee is not here, so we'll take five minutes and, hopefully, they'll be here by then. Is that okay? Great. Thank you.

The committee recessed from 0923 to 0929.

MS. NAKI OSUTEI

The Chair (Mr. John Fraser): We're back. Our next attendee today is Naki Osutei, nominated as member, Seneca College of Applied Arts and Technology board of governors. Can you please come forward to the table? Thank you. Just have a seat, please.

Welcome, and thank you very much for being here this morning. Did I get your surname correct?

Ms. Naki Osutei: Osutei.

0930

The Chair (Mr. John Fraser): Osutei? Okay. I will get it right at the back end.

Ms. Naki Osutei: Okay, thank you.

The Chair (Mr. John Fraser): You have 10 minutes, or you can start with a brief statement. Any time that you use will be taken from the government's time for questions, which is 10 minutes.

Members of each party will have 10 minutes to ask you questions, and we'll begin with the third party. Mr. Gates.

Mr. Wayne Gates: Well, that doesn't happen very often.

Interjections.

The Chair (Mr. John Fraser): Statement, sorry. Pardon me; that's my fault. I'm reading too quickly.

Please, your statement. I'm sorry.

Ms. Naki Osutei: Thank you. Good morning, Mr. Chair, members of the committee. Thank you for inviting me to speak with you today. I'm speaking in relation to my public appointment to the Seneca College board of governors. I've been a member of the Seneca College board of governors since 2011. In 2014, in tandem with my reappointment for my second term, I was nominated by the college to serve as an LGIC appointee, Lieutenant Governor in Council appointee.

I bring to the board a combination of skills in the areas of program development and management, leadership development, fundraising, strategic planning and DiverseCity inclusion. In addition to these skills, I also bring a general understanding of social and economic issues facing the greater Toronto area and Hamilton.

I've gained these skills through a range of roles that I have had in the city-building civic space. I have held positions at Toronto Artscape, Magazines Canada, the

Royal Conservatory of Music, the Greater Toronto CivicAction Alliance, and I'm currently a staff member at the organizing committee for the Toronto 2015 Pan Am/Parapan Am Games, where I serve as director of public affairs and social legacy.

I have a master's in sociology, where I focused on issues pertaining to the lived experience of multiculturalism. My first board appointment or committee appointment was to the Learning Partnership, where I was a member of their research and policy council.

In each of my paths, be it academic, professional or volunteer, I've sought to find new ways of building stronger and more resilient communities.

The college has held a special place for me for a long time. As part of my opening remarks, I'd like to share three personal moments of impact.

My mother worked in a factory for several years when I was growing up. Unfortunately, her employment at the factory ended after a workplace accident which left her with permanent injuries. In the 1990s, she became a student at Seneca College as part of a back-to-work training program. I can still vividly remember her standing proud at her convocation in her gown and hood, believing that her new education would allow her to reinvent herself.

Just a decade after my mom's graduation, I was invited to participate in a Seneca College strategic planning session at the very small campus at Yorkgate Mall in the Jane and Finch area. Having grown up in nearby Weston and Finch, I had several occasions to visit Yorkgate and was impressed that Seneca offered programs there. I was actually very pleased to see Seneca in the community soliciting feedback that would help inform their plans for the next several years. I was excited that my contribution would have a small role in that.

Shortly thereafter, I began mentoring a Seneca student. At the time, my mentee, Laurie, was a relatively shy woman with a lot of passion for her community. In the course of her time at Seneca, I saw her rise to the challenges associated with a heavy course load, while still taking advantage of non-academic offerings in her midst. By graduation, she was a confident young person ready to build a career in nursing.

After hearing these stories, you won't be surprised that some 20 years after I sat down to watch my mom accept her Seneca diploma, upon hearing about the opportunity to join the board I immediately submitted my application. Now, having had the experience as a non-provincial representative on the Seneca College board, I welcome the opportunity to represent the people of Ontario as an LGIC appointee. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Osutei. Mr. Gates, now we can go to you.

Mr. Wayne Gates: Thank you very much. Good morning.

Ms. Naki Osutei: Good morning.

Mr. Wayne Gates: How are you today?

Ms. Naki Osutei: Good, thank you. How are you?

Mr. Wayne Gates: Good. Thanks for coming.

What insight has your previous experience on the board of governors of the college provided you for the nature of this position?

Ms. Naki Osutei: As I mentioned earlier, a lot of the work I've done has been around city building and region building in the greater Toronto area. In part, that work has afforded me with knowledge around social and economic issues that are external factors for the college. As we deliberate around the college table with respect to how we want to create greater access to opportunities to education, be it by providing more flexible programming, greater offerings or non-traditional methods of offering programming, I can bring the insights that I've developed through my career to those conversations.

Mr. Wayne Gates: The second question may be similar, but I'll ask it anyways. What key objectives are particularly motivating the witness in seeking this appointment? You said a little bit about your mom, which was kind of a nice story.

Ms. Naki Osutei: Absolutely. Certainly, my mom's experience, and seeing how that transformation could occur for someone like her, and knowing that the Seneca College student body is comprised of individuals like my mom but individuals like me and everybody in between.

As far back as I can remember, education has always been a very important part of my life. My objective as a citizen has included the desire to ensure that people have opportunity and access to education. For me, Seneca has a particularly special place.

Mr. Wayne Gates: What does the witness see as the greatest challenges and opportunities facing Ontario community colleges? I'm from Niagara. I don't know if you know, but we have Niagara College down there and Seneca College in particular.

Ms. Naki Osutei: I had occasion to meet some staff from Niagara College at the Colleges Ontario conference last year. I think the challenges that are facing colleges across the GTA may be different from Niagara, but certainly across the GTA, I think, the challenge of increasing demand for education is a huge problem for the post-secondary system. With that, it presents some opportunity for the college system to think about non-traditional modes of offering programing. I know that Seneca College has been very keen on doing so, in the course of my time as board member, only increasing as we move into the next three-year period.

Mr. Wayne Gates: Some of that is with opening more doors for skilled trades, particularly for women as well, in the community colleges.

Do you have any views on how the expansion of the King City campus might be undertaken while respecting the unique history of the former Eaton estate and the obviously natural character of the site?

Ms. Naki Osutei: The King campus: I'm glad you raised that, because I think that's one of the examples of how we're trying to address the increased demand. I mentioned in my opening remarks that I mentored a young woman who actually was a student at the King campus, so I heard first-hand from her some of the chal-

lenges that she experienced. But I also remember her speaking about the beautiful landscape. She commuted from downtown Toronto to King City and she would remark on the beautiful campus and the experience of having that.

Ensuring that we retain that natural environment is critical. I know that the staff have undertaken quite extensive consultation with community members in the area to ensure that we are soliciting the feedback, such that we can use that feedback by way of retaining the character of the surrounding area.

Mr. Wayne Gates: And you're in full agreement with that, I'm sure.

Ms. Naki Osutei: Absolutely.

Mr. Wayne Gates: Could you describe how your experience with other boards might be of assistance in this position?

Ms. Naki Osutei: I mentioned earlier that one of my first volunteer committee kinds of experiences was with the Learning Partnership. That experience gave me a broad understanding of the Canadian post-secondary—actually, the full education system, from kindergarten all the way through to post-secondary. Certainly, that provided a very good foundation for me.

I also serve as a member of the former St. Christopher House—now West Neighbourhood House—board of directors. That experience has given me great insight into issues pertaining to employment, challenges that people have re-entering the employment and labour markets. All of those experiences help me in this position as well.

Mr. Wayne Gates: Have I got time for another question?

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: I noticed in your opening comments that you were participating in trying to get the 2015 Pan Am Games up. Maybe you can elaborate on that, because it's something that not only am I personally interested in, but as you may or may not know, the rowing is going to be held in St. Catharines—I'm very proud of that—on the Henley course, down in beautiful Port Dalhousie; I don't know if you've been there yet. The paddle rowing or whatever it's called—paddle-boating—which is really interesting to watch, is being held in Welland, down in Niagara. They've done a lot of upgrades to both of the courses in rowing, particularly in Welland.

So maybe just give me a little feedback on your role there, and also how we can continue to move forward to make it successful.

Ms. Naki Osutei: Sure. I joined the committee in January 2012. My role there was to lead and operationalize the diversity and inclusion strategy. My position changed shortly thereafter to include as well HR responsibilities. I was responsible for recruiting and providing supports to retain approximately 200 staff.

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In August of this year, my role changed again to return to the focus on diversity, inclusion and accessibility, but an added component to the role is now developing plans

around social legacy and supporting existing plans around social legacy.

For me, given my previous professional roles, this final role makes a lot of sense. It allows me to continue my commitment to city building and community building, and it allows me to communicate to the public the excellent planning that has gone into the new facilities, like the Henley, like our Scarborough facility and others.

I think one thing that the public generally is not aware of is the fact that the plans for these facilities have been done with community in mind, have been done through the development of early partnerships that have the legacy use of these facilities in mind.

We're about 237 days out, and as we move closer to that goal, part of my role is to ensure that we're conveying the social legacy opportunities, but also ensuring that the full diversity of the region is reflected in all aspects of our planning and delivery.

Mr. Wayne Gates: Thanks very much. I appreciate you coming in, and I certainly appreciate your answers.

Ms. Naki Osutei: Thank you.

The Chair (Mr. John Fraser): To the government side. You have about six and a half minutes, Mr. Rinaldi.

Mr. Lou Rinaldi: Welcome.

Ms. Naki Osutei: Thank you.

Mr. Lou Rinaldi: Thank you for sharing with us some of your past experience and your future endeavour—and your enthusiasm, I should say. Thank you for volunteering your time with such commitment and such dedication to make the life of Ontarians in the future much better.

I agree with you on the fact that I don't think there's any substitute for education and that it's certainly an asset that Ontarians have when they have a place like Seneca.

I don't have a question; I just wanted to say thank you for coming in this morning. Thank you for your commitment to the games. I think we have a real opportunity to showcase Ontario. Although my part of the province doesn't play a physical role, we're certainly there in a supporting role to make that they turn out the best. Once again, thank you, and thank you for volunteering your time.

Ms. Naki Osutei: Thank you so much.

The Chair (Mr. John Fraser): Official opposition: Mr. McDonell.

Mr. Jim McDonell: Thank you for coming in today. I see that the colleges are having some major issues around enrolment. I know a college in my own community, St. Lawrence College, is having lots of issues. Kemptville college, of course, which has served most of our area, was recently closed through the ministry.

I'm just wondering, through your experience on the board, what are the biggest challenges you have at Seneca as far as enrolment, or is that an issue?

Ms. Naki Osutei: Yes. I mentioned it in my earlier response, but certainly the increasing demand for spots for students is a challenge. As I mentioned earlier, I think part of addressing that challenge pushes the college

system across the GTA in particular to look for non-traditional models of offering programming, whether it be online, whether it be evening courses. I can recall that when my mom was in school, continuing education, the idea of doing courses in the evening, was a smaller component of college offerings. Now, I think as we move forward into this new era, we have to look at all kinds of ways of offering programs to our student population, also recognizing that that student population comes in so many different forms, whether it be someone graduating out of high school and looking for a college opportunity or somebody who has already gone to university and is now coming back to do some kind of postgraduate program—and, in addition, the full range of diploma offerings that we provide, whether it be a diploma, a baccalaureate, graduate. I think one of the challenges that we have is looking at all of those kinds of offerings and ensuring that we're providing students with the access but also meeting the market's demand as it pertains to employment.

Mr. Jim McDonell: You talked about alternatives to the normal classroom-type courses. Do you have some examples of what they've done at Seneca?

Ms. Naki Osutei: One of the things that I find very inspiring around Seneca's work is the cross-disciplinary and experiential learning opportunities that we're providing to our students. By that I mean ensuring that if you are in IT, in an information technology kind of program, you will still have the opportunity to explore programs in the humanities.

That kind of cross-disciplinary experience is all part of what we call a different kind of school for a different kind of graduate. We're looking to support the development of students who can function in a world that can't be predicted. If we go back 20 or 30 years, when students entered school, they could envision and imagine what their job would be. Now we're at a point where we need to be graduating students who can think critically, who understand how to innovate, who understand what diversity means and how it's relevant to any kind of work that they're in and who are keen to contribute to their communities. The kind of cross-disciplinary and experiential learning experiences that we're providing to our students helps them to function in a society that is not what we would have imagined 20 or 30 years ago.

Mr. Jim McDonell: Distance learning: Has the college embarked on any of that through the Internet? It's relatively inexpensive technology, but something I haven't seen in many places. Has the college taken on any of those initiatives?

Ms. Naki Osutei: You're referring to online courses? Is that what you mean?

Mr. Jim McDonell: Well, even some of your seminar courses where people could view it over the Internet on a simple Internet link back to the college, live or even taped.

Ms. Naki Osutei: My understanding is that we provide online courses. I think what you're describing is sort of webinar-type courses.

Mr. Jim McDonell: Yes.

Ms. Naki Osutei: My understanding is that those are offered in some programs. It's not something that we offer across the board, to my knowledge. As a governor, I'm not as deeply entrenched in some of the operational aspects of the program offerings, but my understanding is that we provide a range of flexible learning tools.

Mr. Randy Pettapiece: Something that I found interesting: You were talking about this Eaton land. Is that Timothy Eaton?

Ms. Naki Osutei: Sorry?

Mr. Randy Pettapiece: Was it Eaton's out there?

Ms. Naki Osutei: Oh, at King City.

Mr. Randy Pettapiece: Yes. Is that Timothy Eaton? Was that the Eaton family?

Ms. Naki Osutei: That's my understanding, yes.

Mr. Randy Pettapiece: Okay. Just for your information, a little history lesson here: He started in my riding, just west of Stratford, at a little place called Kirkton. There's a plaque there that says, "Here's Timothy Eaton's first store."

Ms. Naki Osutei: Wow.

Mr. Randy Pettapiece: Yes. Interesting, isn't it?

Mr. Wayne Gates: Thanks for the history lesson.

Mr. Randy Pettapiece: You're welcome.

Recently, the games received a bailout from the province despite assertions over the summer months that the games were on time and on budget. As a Seneca board member, one of your duties will be to preserve public trust in our colleges. A college's credibility could and would be destroyed if it communicated wrong or misleading information to the public on its budgets and contracts, etc. How can you give your assurance that transparency and accountability will be at the top of your agenda at Seneca?

Ms. Naki Osutei: Certainly, transparency has been on the top of our agenda for as long as I've been a board member. The staff at Seneca College take that very seriously. Part of why I'm so honoured to be on the board is to be in the company of the members of the board, who are all highly experienced across a number of different professional and academic paths. Our board meetings are wrought with questions and challenges. I think that part of our responsibility is to ensure that we are fiscally responsible, that we are providing excellent return on taxpayer investment. Part of our role as board members is to ask the right questions and to not take things at face value necessarily but to dig deep and ensure that we are addressing risk, to ensure that we are asking questions of our colleagues, of ourselves, of the staff, of our president. In my experience, that's the way that we are ensuring that we are being responsible to Ontarians.

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Mr. Randy Pettapiece: Do I still have time?

The Chair (Mr. John Fraser): Yes.

Mr. Randy Pettapiece: I believe you had a role as in recruitment and employee relations for operations. Is that correct?

Ms. Naki Osutei: Correct.

Mr. Randy Pettapiece: What can you tell us about the \$81-million security contract that might cause many of the security personnel at the games to be very inexperienced?

Ms. Naki Osutei: I can't tell you very much about that because the security budget and security staffing is not part of my role. Certainly, it has very little to do with my role at Seneca, so I don't really have a lot to say with respect to the security budget or staffing.

Mr. Randy Pettapiece: You weren't involved in the staffing of it?

Ms. Naki Osutei: It was not part of my jurisdiction.

Mr. Randy Pettapiece: Seneca was the—

Ms. Naki Osutei: Sorry, MPP Pettapiece, I want to make a correction. I was responsible for hiring—with security, we have the internal staff security, so the staff who are responsible for participating in the integrated security unit discussions and meetings and who provide that liaison. I was responsible for hiring a small number of those people. That's five people. But then the security hiring that you're referring to is the larger, broader security hiring under the \$81 million. That's not part of my jurisdiction. I just want to make that distinction.

Mr. Randy Pettapiece: I see. That's great. Thanks. I wondered, too: Seneca is the largest receiver, amongst the colleges, of operating transfer payments from the province, and therefore good financial stewardship is very important. Were you involved in the hiring and arranging the compensation and expenses practices at the executive level in the games?

Ms. Naki Osutei: No.

Mr. Randy Pettapiece: You weren't doing that?

The Chair (Mr. John Fraser): You've got 50 seconds.

Ms. Naki Osutei: Thank you for your questions.

The Chair (Mr. John Fraser): Thank you very much, Ms. Osutei, for coming here this morning and presenting for us.

Ms. Naki Osutei: Thank you for having me.

The Chair (Mr. John Fraser): Okay. So now we will consider the concurrence for Naki Osutei, nominated as member of the Seneca College of Applied Arts and Technology board of governors. Would someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Naki Osutei, nominated as member of the Seneca College of Applied Arts and Technology board of governors.

The Chair (Mr. John Fraser): Thank you. Any discussion? All in favour? Opposed? The motion is carried. Thank you very much. Congratulations.

Ms. Naki Osutei: Thank you very much.

The Chair (Mr. John Fraser): Okay. Now we're going to move on to deadline extensions. As you know, the committee has 30 days from the day of an OIC certificate to review any intended appointment. This deadline may be extended by unanimous consent. There were six selections on October 24. Two of them appeared before us today, and the 30-day deadline will pass for the

remainder of those people. The details, I think, have been handed out to you.

Do I have unanimous consent to consider the remaining four intended appointees? And I propose that we do an extension of 30 days for—Mr. Gates?

Mr. Wayne Gates: I'm not really sure how to go about this, but from the NDP's point of view, Carolyn Watts, who is looking to get with the Ministry of Training, Colleges and Universities, we no longer need to interview her at all. We would—

The Chair (Mr. John Fraser): You wish to withdraw her?

Mr. Wayne Gates: Yes.

The Chair (Mr. John Fraser): Okay. Mr. Gates has proposed withdrawing Carolyn Watts, nominated as a member of the Niagara College of Applied Arts and Technology board of governors, from the list on the committee. Do I have unanimous consent to do that?

Interjections: Yes.

The Chair (Mr. John Fraser): Thank you very much. Going back, do I have unanimous consent to consider the deadline for the three remaining appointees, and again, I propose that these individuals would get an extension of 30 days, bringing them to December 23. I'll put the question separately to each one, but do I have unanimous consent to do that?

Mr. Lou Rinaldi: December 23?

The Chair (Mr. John Fraser): It's December 23. No, but December 23 is the extension, yes. Do I have unanimous consent to go forward? Okay.

I'll put the question for each one.

Do we have unanimous consent to extend the deadline to consider the intended appointment of Nicholas Pernal, nominated as member, Landlord and Tenant Board (Social Justice Tribunals Ontario), to December 23, 2014? Thank you. Done.

Do we have unanimous consent to extend the deadline to consider the intended appointment of Pauline Faubert, nominated as member, Social Benefits Tribunal (Social Justice Tribunals Ontario), to December 23, 2014? Okay. Great. Thank you.

Do we have unanimous consent to extend the deadline to consider the intended appointment of Gérald Naud,

nominated as member, Social Benefits Tribunal (Social Justice Tribunals Ontario), to December 23, 2014? I have that? Thank you very much.

That concludes our business for the day.

Mr. Rinaldi?

Mr. Lou Rinaldi: Just a point of clarification: Not having been in this committee before, December 23 is two days before Christmas, so what happens?

The Chair (Mr. John Fraser): Well, our committee will sit—we'll have a number of remaining meetings that we can bring these forward.

Mr. Lou Rinaldi: Oh, so up to 30 days?

The Chair (Mr. John Fraser): Yes. So it's 30 days. We'll have meetings. We have three more meetings.

Any discussion? Anything further? So everybody is—

Mr. Wayne Gates: So I'm clear, Ms. Watts won't have to come?

The Chair (Mr. John Fraser): No, she will not.

Mr. Wayne Gates: Okay. Thank you.

The Chair (Mr. John Fraser): Then we have another subcommittee report that I think we've approved already today for other intended appointees. Everybody has a list.

Mrs. Cristina Martins: Erica Phipps?

The Chair (Mr. John Fraser): Pardon me?

Mrs. Cristina Martins: The last person here, Erica Phipps: Are we extending that? We have until December 7, so we're okay with that?

The Chair (Mr. John Fraser): Yes. If we have to, at a certain point we'll extend her as well—

Mrs. Cristina Martins: To January something.

The Chair (Mr. John Fraser): We won't be sitting after December 9, right?

Interjection.

The Chair (Mr. John Fraser): We can do that as well.

Interjections.

The Chair (Mr. John Fraser): We're good. We're all good.

Any other questions?

Before I adjourn, I just want to thank you all for putting up with my newness. I appreciate your patience. The meeting is adjourned.

The committee adjourned at 0957.

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Official Report of Debates (Hansard)

Tuesday 25 November 2014

Journal des débats (Hansard)

Mardi 25 novembre 2014

Standing Committee on Government Agencies

Intended appointments

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 25 November 2014

Mardi 25 novembre 2014

The committee met at 0901 in committee room 1.

INTENDED APPOINTMENTS

MR. NICHOLAS PERNAL

Review of intended appointment, selected by official opposition party: Nicholas Pernal, intended appointee as member, Landlord and Tenant Board (Social Justice Tribunals Ontario).

The Chair (Mr. John Fraser): I call the meeting to order. Good morning, everybody. We don't have any subcommittee reports this morning, so we'll move directly to our intended appointments.

Our first intended appointee today is Nicholas Pernal. He is being nominated as a member of the Landlord and Tenant Board (Social Justice Tribunals Ontario). Mr. Pernal, can you please come forward and take a seat. Welcome and thank you very much for being here. You may wish to make a brief statement. Members of each party will have 10 minutes to ask you questions. Any time that you use for a statement will be taken from the government's opportunity to ask questions. Mr. Pernal.

Mr. Nicholas Pernal: Good morning. First off I'd like to thank the committee for giving me the opportunity to appear before it. It is indeed an honour to be considered for the appointment to the Landlord and Tenant Board.

I was told by a good friend of mine who I've taken an adjudication course from that one of the hardest situations to be in is being a witness, and that's what I find myself in this morning. So basically what I'm going to try to do is I'm going to try to explain to you folks a bit of who I am and what I am, a bit beyond the normal things that I'm led to know that are in your information packages.

One of the other advantages, I think, coming from this merit-based appointment process is the fact that I've already gone for interviews. We've already had questions on things like my skills regarding being able to have issues heard before me, hearing both sides, critical reasoning—all these skills. We've already gone through a bit of that process.

Again, I'm coming from the point today where I'm going to be explaining a bit the things that are not necessarily covered by that, and sort of my life experiences that I've had up to date that are complementary skills for my role as an adjudicator. There are three things I'd just like to touch on: The first one is my experience in environ-

ments with high volumes of applications; secondly, my experience with agencies that have a dual mandate of both enforcement and an educational role with the public; and, thirdly, just a bit touching on some broad cross-cultural awareness issues that I've had and have an opportunity to have over the course of my career.

First off, dealing with an agency or places where we have a huge amount of volume and a huge amount of applications, I've seen this in my time with Service Canada, when I was a citizen-facing officer delivering general services to the broader public. I was working out of an office in Toronto and basically, day in and day out, we had people accessing government services, providing advice to them for SIN, EI applications, old age security and the like.

The challenge there was making sure that we were delivering the same high-quality standards to everyone who walked in the door, be it from when we got there at 8 in the morning to the last person being served at 4:30, or even staying later beyond the normal standard service hours to make sure that they got that.

Also, in my time as a funeral director I was also put in a situation where we are in a very high-tempo environment where people are coming in and we are servicing them in a time of need. From start to finish we have to make sure we get things organized and get things done in an appropriate amount of time, in a very stressful situation for everyone.

Now, the takeaway from that is making sure that there's a quality to the stakeholders that's delivered notwithstanding what sort of flow that you have. I understand one of the things with the Landlord and Tenant Board is that we have some 50 members present there, plus or minus. I think, from the previous year's applications, there were about 80,000 applications. If you do the quick math, that is more than about 1,500 applications per full-time member. Obviously, not all applications are heard by every member of the board, but that's still an enormous amount of volume. One of the things, and one of the skills that I'd like to bring forward to the board, again, in my role in the adjudicative capacity, is bringing that element of knowing how to operate in a high-tempo, high-demand environment.

The second piece that I'd like to touch on is being in an agency that has had both a dual enforcement and education mandate. I served three years as a labour affairs officer with Labour Canada. It used to be called

HRSDC; now it's Employment and Social Development Canada. They change their name every so often. With that, I was enforcing labour standards in federally regulated industries. But unlike some agencies, we have definitely a dual-hat role in that, in terms of not only the enforcement but we are also the faces, not for the public and the stakeholders but for the employers who come to us to ask, "Okay. We want to comply with this legislation. How do we comply with this legislation?"

I feel that it creates a unique operating environment when you are not just solely enforcement or solely providing education or services to the public, because you have to balance that, and you have to balance that credibility, because if you're going into an organization or to an employer all the time with a big stick, or all the time doing reviews, what you don't get is that stakeholder engagement and that stakeholder buy-in. It really is a dual piece, because as much as we have the law, and as much as we have the legislation, part of that legislation is also self-compliance.

Again, I see this a lot with kind of the scheme that's in place with the Landlord and Tenant Board and the protections that are offered under the Residential Tenancies Act. It's definitely something that although there is a compliance element that's enforced by the system in place, there is also an element of a kind of self-compliance: that the parties agree that "These are the laws. These are what we know and we have to live by." But there's an element of self-compliance in with that.

Lastly, what I'd just like to touch on is the fact that I do have a broad base of exposures to a lot of different communities and a lot of different stakeholders. While working in Toronto, I worked in certain priority neighbourhoods as identified by the United Way survey—I think that's the 2007 or 2006 survey as it was at the time—working in areas such as Lawrence Heights and Weston, seeing the families and the diversity and the communities that we got through the door and that we were serving.

Notwithstanding that, there's also the idea that when we have newcomers to Canada, they're people just like you and me, and we have to be aware that with every person who comes through, with every person who accesses these services—we have to make sure that this is being done in an appropriate way, in a culturally sensitive way. Because as much as there is an adversarial system in place at the tribunal level, if you are before an adjudicator or a decision-maker, for some of these people an application to the Landlord and Tenant Board might be the only access they have to the justice system in general. So it's an idea that we need to make sure that all of these services are given to the constituents and to those stakeholders, to make sure that they can get that.

Also one of the things that I bring up and bring to the table with that is that I do have experiences, especially working in the federal sphere, with First Nations communities and, again, doing all the labour standards enforcement. I had the wonderful opportunity of seeing not just newcomers to Canada, but also second- and

third-generation Canadians who are running their family businesses and, over the course of the years, have integrated within the community and made a great success and are living in a great place and a great country.

Just wrapping up, s'il y a des membres du comité qui ont des questions et qui veulent me poser des questions en français, allez-y. Vous pouvez; je suis bilingue, et je peux prendre des questions dans les deux langues officielles. Merci.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pernal. Merci. We'll begin on the government side. You have two minutes.

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Mr. Lou Rinaldi: Thank you, Chair. Thank you, Mr. Pernal, for coming in this morning. Quite an impressive resumé, and also from your personal experiences and perspectives, I think it's good that you've taken an interest in this position at the Landlord and Tenant Board. I'm sure, if you're successful, you'll do a great job. Once again, thank you for all you've done in the past, and hopefully you'll contribute to the board with your knowledge.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. We'll move to the official opposition.

Mr. Jim McDonell: Thank you for coming today. Now, I understand you've had some experiences as a landlord or—is that right?

Mr. Nicholas Pernal: I'm sorry, sir. I didn't hear the question.

Mr. Jim McDonell: You've had some experience prior as being a landlord?

Mr. Nicholas Pernal: Yes, I have. Driving my entrepreneurial spirit when I first purchased my first house, I looked at my mortgage and said, "Well, I have this." I was still living in the Toronto area and, the price of houses in Toronto being what they were, I rented a part of my house. Luckily for me, and kind of in hindsight, I'm going back and saying that I actually had a very good experience. There weren't too many problems either on the administrative side or the business side of it. But now looking back on the whole situation, I do find myself very fortunate because that's something that could have been much different. As of right now, I have a property in Montreal, because I work in Ottawa, but my house is in Montreal right now. I've decided not to rent it out just because I don't necessarily want to worry about some of the issues of either getting a bad tenant in or the like; and that's a personal choice that I made.

But it's definitely something where, when I started that venture, I didn't quite realize how much work and how much effort was necessary or would have been necessary. Maybe it was me being a bit naive about it, but I sure learned a lot very quickly in the very short time that I had when I was a landlord.

Mr. Jim McDonell: So I guess, just in your experience, did you have any issues with having to use the Landlord and Tenant Board?

Mr. Nicholas Pernal: No, I did not have any issues as a landlord where I made applications to the board or whatnot.

Mr. Jim McDonell: I guess we see, every day, people coming in—both sides, tenants and landlords—with issues that sometimes have to go or most often have to go to the tribunal. Most often, it's around damage or non-payment. Do you see anything that your experience brings to these hearings or an attitude you might have towards them?

Mr. Nicholas Pernal: Well, specifically when we're looking at my experience, I mean, I do have a very good grounding in ADR. Unlike some of the other components of the Social Justice Tribunals Ontario, I'm made aware that the members are doing more purely on the adjudicative capacity whereas some of the other tribunals have a mixed mandate where the members are actively involved in mediation. I know there is full-time mediation staff. I think that's one of those things where if you're getting people in and you're able to use those mediation services—because, again, I do have a lot of experience in that—it's a very good thing, because any time you get a chance to have a mediated settlement between the parties that works for them, it's 10 or 20 times better than an imposed settlement by a neutral third party.

Mr. Jim McDonell: One more question: There's an agreement among landlords that the process of collecting rent arrears and eviction of chronic non-payers is exceptionally costly, a figure of about \$5,000 of lost income, legal fees, damages and other costs. One of our issues around housing is that we need a fair system that encourages landlords, makes sure that they can keep their costs down, which allows them to keep rent down, because housing is important and it needs to be as cheap as possible. Issues of nonpayment or damage have to be figured in, so then it ends up driving the costs up, and the good tenants end up paying for that, because it's all part of the picture. Any solutions you see to getting those costs down so that we can actually—if dispute costs are down, then the overall cost can be lowered as well. Then, of course, all the renters benefit, as well as the landlords.

Mr. Nicholas Pernal: Unfortunately, that's kind of out of my area of expertise. I'm being proposed as an appointment as a member of the board in an adjudicative capacity, so in terms of things like operations and in terms of policy, we're not really touching on that. What we're touching on is the application of the law as it's written and, basically, the decisions of the application before us.

The other thing too is that a lot of my expertise has not been in the field of what we'll call residential tenancy law. My field of expertise is more employment standards and labour, so I don't think I'd be able to provide you with any meaningful comment or meaningful solutions regarding things regarding costs, costs in general or costs to the landlord, because I'm just not knowledgeable enough, specifically on those issues, to comment on them.

Mrs. Julia Munro: I just wanted to ask—and perhaps this is something you could answer after you've had the appointment for some time, but the issue around the percentage of people: Obviously, thousands and thou-

sands of people are tenants, and everything goes along smoothly. Do you have any sense of what percentage of the tenant population gets into these difficulties?

Mr. Nicholas Pernal: Again, that's not something that I've personally researched, so I wouldn't be able to guess. I think that would probably be a better question for research services, to provide you with that information, because like I said, I have not done any personal research on a percentage basis or a per capita basis on how many applicants or anything like that.

Again, being outside of the board, I would not have access to those figures or any statistics, other than what's published in the normal general reports. Quite frankly, again, because I'm coming from a different area, a different sphere of expertise, these are not issues that I have done in-depth analysis on.

Mrs. Julia Munro: Right, and that's why I prefaced my comments that way, recognizing that it was just a possibility. But thank you.

The Chair (Mr. John Fraser): Thank you very much, Mrs. Munro. We'll move to my colleague Mr. Gates.

Mr. Wayne Gates: Thanks very much for coming. Just a few questions: You said that you were a landlord at one time. Maybe you could explain to me what a bad tenant is.

Mr. Nicholas Pernal: Well, I think that's a very subjective term, depending on who's making the evaluation, but obviously from a business perspective side, I think the term "bad tenant" gets tossed around. It may mean different things for different people.

What I would consider a bad tenant would be someone, possibly, who is either damaging the unit or who wasn't paying the rent. Basically, how I would be looking at it would be from the business sense, where if I had someone who was occupying one of my units and was either causing damage, not paying the rent or causing it to not be harmonious with the other people, either in the building or in the neighbourhood—we could generally group this into the term of "bad tenant."

But I don't think that it's wise to make generalizations. What one person may think is a bad tenant may not necessarily be true for another. For example, I may decide that I don't like people with cats or I don't like people who have plants. That could be, in my view, making someone a bad tenant.

When you look at it objectively—and I think that's what the test is when you go before the board or when you go before an adjudicator. What you have there at that juncture in time is an objective test based on the application before you, based on the facts of the case presented by the parties, and the parties have a chance and an opportunity to test the evidence that either side has given. The term "bad tenant" at that point in time doesn't factor into it, because it could be a bad tenant, a blue tenant, a green tenant or a pink tenant. That doesn't factor into the ultimate decision that is being made.

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Mr. Wayne Gates: I appreciate your answer, but your comment was that you had property in Montreal and you

didn't want to rent it out in case you had tenant problems. I just wanted to make sure that if you're going on a board or an agency, I don't want you to think that everybody who is a renter is going to be a bad tenant. I just don't think that's the way it is, because I can tell you, my office spends a lot of time on these issues, particularly in Niagara Falls, where we have a lot of people who are renting—obviously affordability problems. So we do have a lot of calls on this particular issue, for sure—but just from your comment.

Just on the comment that was asked, on page 2 of the report that we got, there is a breakdown on what is filed by landlords and what is filed by tenants. A follow-up to that question: Maybe you could explain to me what a good tenant would be, because sometimes there are bad landlords too.

Mr. Nicholas Pernal: Yes, and it's not mutually exclusive. I think within any subset of the population we have—and now, when we're talking about good and bad people, we start getting into kind of the ethical sphere of what your value system is and how you classify people. But just as in any walk of life, there are people who—perhaps good and bad is an oversimplification. Maybe a better term would be something that's more or less advantageous to the individual.

But as you said, there are tenant applications and it's a feature of the system that the Residential Tenancies Act is there in place. It's there as remedial legislation to make sure that there are protections afforded to individuals who are renting. These people are definitely important members of society. Housing is a very important issue for individuals and not everyone is in a position where they can afford to outright purchase a home, so they live somewhere and they rent.

Even on that note, I'm currently renting a residence in Ottawa as well, so I myself am also a renter.

Mr. Wayne Gates: I think all people are important to society, but that's just me.

What has attracted you to apply for the position?

Mr. Nicholas Pernal: I'm sorry, I didn't hear your question.

Mr. Wayne Gates: What has attracted you to apply for this position?

Mr. Nicholas Pernal: When I started applying for this position, what I was looking for ultimately was to change a bit in my career, more towards the adjudicative stream. Originally, I applied to see what the landscape is, to test the landscape and to go in and look at what was going on and perhaps get an interview.

That kind of changed a bit once I did get an interview and I decided to spend some time at the Landlord and Tenant Board. What I found there was amazing because what goes on there kind of fits my version of what I like to see in an agency or in a body. They're actively promoting the use of alternative dispute resolution. There are low barriers in terms of formalities for the people who are appearing before the adjudicative body and, altogether, these things are just—you know, not trying to be too clichéd, but I kind of fell in love with the place. It went

from something that I was doing on a pro forma basis to some place where I actually really want to work and really want to be.

Mr. Wayne Gates: Maybe you could explain your skills that you bring to the position.

Mr. Nicholas Pernal: Regarding my skill set, in my current role I do mainly presentations before various bodies, administrative tribunals, on behalf of a bargaining agent in the federal public sector. Basically, in that role, I have the skills of knowing how to present before these boards and agencies. I also have specific courses in mediation and negotiation and also presenting and going forward in adjudication. I've presented and represented cases dealing with files before the Ontario Human Rights Tribunal, dealing with the Ontario Labour Relations Board in private adjudication and before the Public Service Staffing Tribunal and the Public Service Labour Relations Board.

Mr. Wayne Gates: Just to follow up from your response, what bargaining agent were you with?

Mr. Nicholas Pernal: I'm currently with PIPSC, the Professional Institute of the Public Service of Canada.

Mr. Wayne Gates: And you took courses on mediation?

Mr. Nicholas Pernal: Yes.

Mr. Wayne Gates: How long were the courses?

Mr. Nicholas Pernal: The course was a standard four-day course. That's what I will call formal mediation training. Also in my previous role, when I was working as an inspector under part III of the Canada Labour Code, basically, 50% of our work was mediating unjust dismissal cases that were brought by individuals.

When we talk about "formal" formal training, I also had what I'll call on-the-job training through my previous experience. That was delivered by HRSDC at the time through my training as an officer under part III of the code and three years' experience mediating unjust dismissal cases.

Mr. Wayne Gates: So the mediation—how many cases would you have done?

Mr. Nicholas Pernal: I can't give you an exact number because I'd have to look at my files, but on average we were running about 120 to 140 cases a year, both in what we'll call labour standards and unjust dismissal. The cases were about—we had about a 50-50 mix, more or less, so I'd say over a three-year period maybe somewhere around 150. I'm ballparking this, but around that range.

Mr. Wayne Gates: Just a question to follow up, because I'm quite familiar with mediation and bargaining, just from my past life. The mediation part of it: There were that many cases within your bargaining agent, or were these outside that?

Mr. Nicholas Pernal: Within the bargaining agent itself, in my current role, a lot of the mediation work we do is either in a formal mediation setting—one of the boards I appear before the most is the Public Service Labour Relations Board—they have specific mediation services, which is a separate set—and the Public Service

Staffing Tribunal, which has kind of member mediators. So a lot of applications don't necessarily go to full-blown hearings because we resolve them in mediation.

There's also the mediation that's done as any member of a labour organization does within the workforce regarding mediating disputes and trying to solve them at a lower level, between management and the workers, at that juncture in time as well.

Mr. Wayne Gates: So your mediation in your collective agreement was a step prior to the arbitration process? Is that kind of what—

Mr. Nicholas Pernal: It would have to depend on which collective agreement we're talking about. I have responsibilities for about 14 different collective agreements.

Mr. Wayne Gates: Well, in all the collective bargaining I did, we didn't use mediation very often. Quite frankly, we only used mediation if the agreement load would get extremely high, but that didn't happen a lot—

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Mr. Wayne Gates: I've got one question left. I can't finish it off?

The Chair (Mr. John Fraser): Sorry. You're out of time.

Mr. Wayne Gates: Okay.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pernal, for appearing before us this morning.

Mr. Nicholas Pernal: Thank you very much.

MS. PAULINE FAUBERT

Review of intended appointment, selected by official opposition party: Pauline Faubert, intended appointee as member, Social Benefits Tribunal (Social Justice Tribunals Ontario).

The Chair (Mr. John Fraser): Our next intended appointee today is Pauline Faubert. Ms. Faubert, can you please come forward. Thank you very much.

You may begin with a brief statement. Members of each party will then have 10 minutes to ask you any questions. Any time that you use in your statement will be taken from the government's time.

Ms. Faubert, please proceed.

Ms. Pauline Faubert: Good morning. Bonjour, monsieur le Président et membres du comité de sélection.

Thank you for the privilege of speaking with you today and for providing me with the opportunity to highlight my skills, knowledge and expertise as they relate to this position. It's an honour to be considered for this position.

Il me fera un plaisir de répondre à vos questions en français, si vous le désirez.

As you see from my curriculum vitae, I am an educator by profession. I have held numerous leadership positions throughout my career. My educational qualifications include a bachelor of arts degree from the University of Ottawa, a master of education degree from the University of Western Ontario, and I also hold a diploma

in alternate dispute resolution from the University of Windsor school of law.

In addition, I hold principal and supervisory officer qualifications that have allowed me to supervise staff and to clarify and interpret education law for school board officials in my capacity as a supervisory officer in the district office of the Ministry of Education. I worked closely with English-language school board officials, as well as with the French-language units within these English-language school boards as the Ministry of Education transitioned the units to French-language school boards.

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I've also worked as a bilingual student success officer with the Literacy and Numeracy Secretariat, where I worked primarily with French-language school board administrators, teachers, parents and students using research-based strategies to improve student achievement.

I've worked as a bilingual officer in the standards of practice and accreditation department and as a manager of complaints and hearings with the Ontario College of Teachers, the largest self-regulated body at that time, whose mandate is to serve the public interest. As manager of complaints and hearings with the college, I was responsible for managing the intake of complaints and overseeing the hearings process. In this role, I worked with the college's legal counsel, independent legal counsel and mediators, as well as our ADR staff and the discipline and fitness to practise committee members responsible for adjudicating the referrals made to discipline and fitness to practise.

For the past nine years, I have been a public appointee with the College of Audiologists and Speech-Language Pathologists of Ontario, where I have served on numerous committees in the public interest, and chaired the ICRC, which is the investigations, complaints and review committee, for the past six years. During my tenure as chair, we have developed an ADR program, as well as specified continuing education and remedial programs for members identified through the ICRC process. Through the RHPA, the Regulated Health Professions Act, complainants wishing to appeal decisions and reasons made by the ICRC may do so to the Health Professions Appeal and Review Board. During the six years that I have been chair, none of the committee decisions have been modified or rejected by HPARB.

My term with the College of Audiologists and Speech-Language Pathologists will end this year, following this December's council meeting. It has been a very gratifying nine years working with the college council and their staff.

Over the years in working with the complaints and adjudicative process, I have received extensive training in administrative law, decision-and-reasons writing, as well as in identifying suitable cases for ADR and many other professional opportunities as they relate to adjudicating cases.

Last year, I was appointed to the Ontario College of Trades as a public member and, this year, as vice-chair of

the complaints committee. I have been bringing my experience with the complaints process to the complaints committee of the college as we begin to dispose of complaints in a fair, effective and timely manner consistent with the application of the legislation and in the public interest.

In closing, I believe that I have the knowledge, skills and expertise that would allow me to make a positive contribution to the Social Benefits Tribunal. I've always performed my duties in a fair, unbiased and professional manner. I'm very sensitive to the need for providing decisions and clear, coherent reasons in a timely manner to the appellants.

I'm committed to public service, and it would be an honour to continue to serve the people of Ontario. If selected for this appointment, I will perform my duties and responsibilities faithfully, sensitively and impartially. Thank you.

The Chair (Mr. John Fraser): Merci, Madame Faubert. We'll begin questioning with the official opposition, Mr. McDonell.

Mr. Jim McDonell: A long-time career in education: What inspired you to apply for this role?

Ms. Pauline Faubert: What has inspired me to apply for this role? I think it's a natural progression of my professional journey. After having moved from the classroom into various administrative positions and then specifically in the college settings, I have really always enjoyed working with legislation. I've enjoyed working in the adjudicative process. I feel that I've developed a very good and strong skill set in that regard.

My career and my life have really been dedicated to public service, and I feel that this would be a natural continuation in something that I'm not only interested in but quite passionate about.

Mr. Jim McDonell: We see through some of the stats here that somewhere around 50% of the ODSP complaints are actually awarded. Complaints, I'm sure—we see many people coming through our office taking five, six, eight months. That really means that they're being denied services, in that for a period of time they don't receive them. So most of these people that we see truly need the money, and withdrawing funds for six months is sometimes very hard for them to handle.

Is there some way you can see bringing that number down before they get to you? Really, if half the cases coming to the board are overturned, that's an indicator that that's too many. It should be a much smaller number. Any comment on that?

Ms. Pauline Faubert: While obviously some of that is a policy decision that has been made, and therefore I cannot comment on that appropriately, I hear what you're saying. I understand that this is extremely difficult for these vulnerable groups. However, my role as an adjudicator with the Social Benefits Tribunal is to ensure, number one, that I apply the law; number two, that I do so in a very fair and unbiased manner. But the whole piece of doing so in a timely manner is really critical. We have to move the cases along. We have to be writing our decisions and reasons in a very timely manner.

I think in my experience with the two colleges, that is always one of my first questions: Where are we with regard to our timeline, with regard to meeting our 120-day disposal under the act? Obviously, that's not achievable all the time for a variety of circumstances. Some of those delays are really related to ensuring that the process is fair and that individuals are given the time, the opportunity to share their story, share their side of the situation, be listened to in a very sensitive manner, and also then moving to dispose of it.

I understand what you're saying. That is, I think, partly related to some of the policies in place, and I can't comment on that.

Mr. Jim McDonell: I guess my comment is not so much around the policies, because obviously if the appealing persons as a group are having 50% of their applications actually awarded, that goes back to the front line. Obviously, there's an issue where they're not following policy, because I'm sure the tribunal is, and they need to get that feedback through training or whatever it is to bring those numbers down. I see on the OW side it's in the neighbourhood of 10% or 15%, which is probably what statistically would be reasonable, I would think, to have disputes heard at a higher level.

When they're getting 50% for such a—especially in this case here, where they are generally a group of people who are really in need of help and obviously can't work, to see a 50% overturning of the appeals is very high.

Do you have any questions?

The Chair (Mr. John Fraser): Ms. Munro?

Mrs. Julia Munro: Just following on the comments that my colleague made, I was wondering if you had looked at this reversal, with the 50% being turned down, as to, have the proper steps been taken prior to the process that would have a higher rate of success? It just seems to me that if it's at that level, then there are opportunities to look at how you reduce it. Do you reduce it by changing criteria? Do you reduce it by process? Do you reduce it by having people more effectively screened before you get to that point?

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Ms. Pauline Faubert: All of those things are wonderful suggestions. I think it's a question of working together, the tribunal also working with the Ontario Works program, as well as the ODSP, not working in isolation but looking at some of these issues.

My understanding from reading the documentation is that there has been a commission that was struck to look at this. They were very concerned with exactly the points you're making. With regard to dealing with these vulnerable populations and groups, this really needs to be addressed in order to look at streamlining the process as much as possible so that these folks can have an opportunity to present their case as well as be heard, and a decision made as soon as possible. I guess I'll just have to work really hard.

Mrs. Julia Munro: I was going to ask, if I have time—

The Chair (Mr. John Fraser): Yes. About three minutes.

Mrs. Julia Munro: —and it's a perfect segue, your last comment: How would you hope to accomplish that?

Ms. Pauline Faubert: Working hard?

Mrs. Julia Munro: Specifically targeting those issues.

Ms. Pauline Faubert: As I said, in my experience, the biggest challenge—and I see that in the work that I have done—is the writing of the decisions. Those can take a long time. I noticed in some of the documentation it can take up to eight months to resolve some of these cases. As you said, that's a long time. I think we really need to try to set some targets with regard to ensuring that we are dealing—and giving our reasons and decisions in a very timely manner so that we can move the process along for these folks.

Mrs. Julia Munro: I would agree.

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: Just a comment. I see there's a backlog of about 11,000 cases, which in itself is huge, but considering that in some years 60% of those are overturned, I would think part of the tribunal's role would be to look at where the system is going wrong. When you see that many cases being overturned, obviously there must be some common element that I think, as a tribunal, it would be your responsibility to point these recommendations out to the government—errors, need of training or something. There's no use pushing a case to a board to tie up your time, especially with a backlog, if it shouldn't be there in the first place, obviously, with that type of number of cases that are overturned.

Do you see that as part of the role, providing some guidance back as to the needs for training—I'm sure these people are doing what they think is best, but in the end, there are a lot of cases going there that should never have gone there in the first place. Do you see that as a role, providing guidance back of possible training needs of the front-line staff?

Ms. Pauline Faubert: Education and training are always key, very important. I think the whole early resolution piece, the mediation piece, is also a very important piece—trying to identify those cases coming forward that would be suitable for that in order to expedite the process.

Unfortunately, it's been my experience that not always do folks wish to agree to those processes as effective. I find them much more effective, actually, than the more adversarial component. However, they're not always open to that, so perhaps it's really also providing some education to the individuals who are appealing around the benefits of an early resolution program.

Mr. Jim McDonell: I guess I'd just encourage you—you'll be in a spot where you'll see what went wrong, I would assume, and that allows you the opportunity to point back, through this government, to where there are issues that need to be fixed. This is a very vulnerable group, and if over half your cases—some 60% of the cases are being turned back, with a backlog like that—

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Mr. Gates.

Mr. Wayne Gates: Thanks very much. How was your day?

Ms. Pauline Faubert: I'm fine. How are you?

Mr. Wayne Gates: Good. Thanks for coming. First of all, I'm going to start by saying I know you work hard. You've been in education your entire life. My wife is a principal and just retired in June. I know how hard educators work.

Ms. Pauline Faubert: Thank you.

Mr. Wayne Gates: So you certainly don't have to defend yourself with me, that you're going to work hard on behalf of the appointment.

Just to touch on—I actually think the system's broken, quite frankly. Our office gets a lot of calls. You're absolutely right; these are people who are in need. When they're denied and it takes a long period of time, I think you just have to take a look and say, "What's the cost to the rest of the system?" A lot of them end up with mental health issues because now—

Ms. Pauline Faubert: Yes.

Mr. Wayne Gates: I think the whole system has to be looked at. I know that might not be exactly your role, but being in education, talking about training—I really think the training has to go to the front-line staff because, quite frankly, I think they get a lot of pressure for whatever reason to deny and then let them do the appeal, which goes through a long period of time, and now you've got desperate people doing desperate things. I think the cost on the entire system is wrong.

You did mention something that I found interesting to me—not necessarily to everybody else here but certainly to me. You did some work with the Ontario College of Trades?

Ms. Pauline Faubert: I am a public appointee for the Ontario College of Trades, yes.

Mr. Wayne Gates: What would you see in some of the complaints there? What did you see and what was your time like there?

Ms. Pauline Faubert: Unfortunately, I'm not at liberty to share that information with you.

Mr. Wayne Gates: I won't tell anybody, honest. It's just between us.

Ms. Pauline Faubert: It's highly confidential.

Mr. Wayne Gates: That's like our caucus meetings. I get it. Okay.

What attracted you to the position?

Ms. Pauline Faubert: Again, I think it's a natural progression for me, from the work that I've been involved in. As I said, I certainly enjoy working in that whole complaints adjudicative process. As you've mentioned, I read much of the information on the website. I found the challenges significant and I thought perhaps there's a spot for me there to direct some of my energies and time at this time in my life.

I've worked on numerous occasions throughout my career with vulnerable groups. When I was with the Literacy and Numeracy Secretariat, I was supporting

low-performing schools that had large aboriginal populations and trying to address their concerns etc.: training, again; education with the staff and parents. I have also done some consulting with the Canadian Hearing Society in their barrier-free education initiative, which again was very revealing with the challenges that these groups face.

So all of that together, I thought that with my skill set I might have an opportunity to be a positive contributor, and I'm hoping as well that perhaps my French-language skills might be put to use at some point in time.

Mr. Wayne Gates: Well, it's interesting because with my wife retiring in June, I'm trying to figure out how long—because she's quite young and I was just wondering how long before she wants to get into something different that she has a passion for. I find that educators usually find their little place where they want to go and they kind of do that.

Just as a follow-up to that question: Would your experience and your education prepare you to address the legal issues that you're going to have to deal with at the tribunal?

Ms. Pauline Faubert: I have received already a considerable amount of training in that regard with regard to administrative law and decision-and-reasons writing etc. Also, I have been assured that I will receive lots of training in preparation to assume this role. I don't feel that I would have—I'd be ready to step in immediately. This is a whole new process, and I'm excited about it. I am excited about the whole lifelong learning component and also I look forward to it. I know not everyone likes working with legislation, but quite frankly I do.

To answer your other question, it took me six months after retirement and I thought I have to continue contributing.

Mr. Wayne Gates: Okay. Well, it's been about six months. So maybe after Christmas she'll come to me and say something.

Anyway, I'm not going to ask you a lot more questions. I just want, quite frankly, to thank you for your contribution being an educator. It's certainly an important role that you played through your working life and certainly into your retirement life. So I just want to say thanks very much for your contribution.

Ms. Pauline Faubert: That's very appreciated.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Ms. Albanese, you have about four minutes and 40 seconds.

Mrs. Laura Albanese: Thank you. I shall be brief.

I want to thank you on behalf of the government for putting your name forward and appearing before the

committee today. It is clear that you have extensive experience, especially as far as the complaint process is concerned and the work that you mentioned with the two colleges—and just your career overall. Thank you for the contribution you have given to public service thus far, and we look forward to the work that you will be doing on the tribunal. Thank you.

Ms. Pauline Faubert: Thank you. If I may add one little piece, I would like to thank you. I have felt very supported throughout this process. Initially, I was quite intimidated. After reviewing all the documentation etc. I thought, oh, dear. I've received so much support from all of the individuals, not only at the tribunal but also from the government perspective, in ensuring that I'd be comfortable with this process today. So thank you for the support you've shown me.

The Chair (Mr. John Fraser): Thank you very much, Madame Faubert. Merci. You may leave your chair.

M^{me} Pauline Faubert: Avec grand plaisir. Merci, et bonne journée.

The Chair (Mr. John Fraser): Merci.

We'll move to concurrences. Our first concurrence: We will now move to consider the concurrence for Nicholas Pernal, nominated as member, Landlord and Tenant Board (Social Justice Tribunals Ontario). Can somebody please move the concurrence? Mr. Rinaldi?

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Nicholas Pernal, nominated as a member of the Landlord and Tenant Board (Social Justice Tribunals Ontario).

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Do we have any discussion?

All in favour? Opposed? Carried.

The Chair (Mr. John Fraser): Congratulations, Mr. Pernal.

We'll now move to consider the concurrence for Pauline Faubert, nominated as a member of the Social Benefits Tribunal (Social Justice Tribunals Ontario). Can someone please move concurrence? Mr. Rinaldi?

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Pauline Faubert, nominated as member, Social Benefits Tribunal (Social Justice Tribunals Ontario).

The Chair (Mr. John Fraser): Any discussion?

All in favour? Opposed? Carried.

The Chair (Mr. John Fraser): Congratulations, Madame Faubert. Félicitations.

We're done for the day. Meeting's adjourned.

The committee adjourned at 0953.

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Journal des débats (Hansard)

Mardi 9 décembre 2014

Standing Committee on Government Agencies

Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 9 December 2014

Mardi 9 décembre 2014

The committee met at 0902 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): Good morning, everyone. I call the meeting to order. Before we begin our intended appointments review this morning, the first order of business is to consider two subcommittee reports. The subcommittee report dated November 27, 2014: Would someone please move adoption of the report? Mr. Rinaldi.

Mr. Lou Rinaldi: I move adoption of the subcommittee report on intended appointments dated Thursday, November 27, 2014.

The Chair (Mr. John Fraser): Do we have any discussion? All in favour? Opposed? The motion is passed.

The subcommittee report dated December 4, 2014: Would someone please move adoption of the report? Mr. Rinaldi.

Mr. Lou Rinaldi: I move adoption of the subcommittee report on intended appointments dated Thursday, December 4, 2014.

The Chair (Mr. John Fraser): Any discussion? All in favour? Opposed? The motion is carried.

We'll move on to a review of our intended appointments.

INTENDED APPOINTMENTS

MS. LAURA BRADBURY

Review of intended appointment, selected by official opposition party: Laura Bradbury, intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

The Chair (Mr. John Fraser): We have one intended appointee to hear from. The first intended appointee today is Laura Bradbury, who is nominated for vice-chair, Workplace Safety and Insurance Appeals Tribunal. Ms. Bradbury, please come forward and take your chair. Welcome.

Ms. Laura Bradbury: Thank you so much.

The Chair (Mr. John Fraser): Thank you very much for being here. You may begin with a brief statement if you wish. Members of each party will have 10 minutes to ask you some questions. Any time that you use will be deducted from the government's questioning time. You may proceed.

Ms. Laura Bradbury: Thank you. Good morning, Mr. Chair and members of the committee. I'm very pleased to be here this morning and honoured to meet with the members of the Standing Committee on Government Agencies. I am here today to offer my services as a part-time vice-chair at the Workplace Safety and Insurance Appeals Tribunal, known as WSIAT.

My professional background includes my training as a lawyer and more than 16 years' experience in adjudicative tribunals, including six years with WSIAT, which was then called the Workers' Compensation Appeals Tribunal, from 1985 to 1991.

Of my time in tribunals, more than 10 years were spent in the area of workers' compensation at the final level of appeal, both in Ontario and in British Columbia, and always as a neutral vice-chair.

I also served as the Workplace Safety and Insurance Board's first fair practices commissioner, which is the ombudsman for the board. I set up the commission in 2003 and retired in June 2012. As commissioner, I was neutral and independent of the board's operating divisions. I reported directly to the board of directors. The commission's role was to promote fair practices and procedures that were consistent with the workers' compensation legislation.

I'm committed to fairness in the adjudicative process and believe that my background and experience make me well-suited for the part-time vice-chair position. I'm also committed to public service and would be honoured to be able to continue that commitment in this role.

Thank you very much.

The Chair (Mr. John Fraser): Thank you very much. We'll begin with Mr. Gates.

Mr. Wayne Gates: Good morning.

Ms. Laura Bradbury: Good morning.

Mr. Wayne Gates: Thanks for coming. I see you've had a little bit of experience in workmen's compensation.

Ms. Laura Bradbury: Yes, a little bit.

Mr. Wayne Gates: Good. Maybe you can explain for the full 10 minutes what's wrong with it, seeing that we spend a fair amount of time in our office with problems related to WSIB, with people getting their claims denied and their appeals. So maybe you can give us what you've found, over your vast experience, is wrong with the system, because it's obviously broken.

Ms. Laura Bradbury: Right. I don't know if I can say what's wrong with the system, but I can say it's a huge system and it's a system that has to deal with an enor-

mous range and complexity of issues. The board makes hundreds of thousands of decisions a year, so that's an issue. Resources are always an issue. Workload has become an issue at the board level.

From the commission's point of view, we were really looking at broader system-wide type issues, so we were looking at concerns with respect to delay. There were many of those concerns raised with the commission. We were looking at concerns about the decision-making process. Was it fair? That was something we considered. We looked at communication concerns and we also looked at behavioural issues. Those were the four broad topics that we looked at. I issued public annual reports every year that I was there and they highlighted the steps that I suggested and the board responded to.

Mr. Wayne Gates: Do you find that for workers who get injured on the job, the employers, for whatever reason, seem to deny the claims a lot more than they did in the past?

Ms. Laura Bradbury: That isn't something that I would ever have seen. I know that it's an issue that was raised in the Arthurs report, Funding Fairness, but it's not an issue that would have come to the commission, so it's not an issue that I personally had any experience with.

Mr. Wayne Gates: How long did you serve as vice-chair of the former Workers' Compensation Appeals Tribunal?

Ms. Laura Bradbury: I was there for six years, right from the beginning. The former tribunal, the WCAT, started in 1985 and I was one of the first vice-chairs appointed then. I came from Ombudsman Ontario, where I had been an investigator into workers' compensation matters there. I was already a neutral in the area of workers' compensation. I spent six years there, the first three years as a vice-chair and the second three years as both a vice-chair and the alternate chair, working closely with the chair. From there, I was appointed as chair of the Social Assistance Review Board.

Mr. Wayne Gates: Okay. Do you, as a witness, anticipate any consequences for the tribunal as a result of its 2014 decision, which I'm sure you're aware of, regarding claims around mental stress, which has become a really big issue not only for workmen's compensation, but in society as a whole?

Ms. Laura Bradbury: Right. Well, that was one case that was decided, or at least released, in April 2014—I think that's the one you're referring to—where the panel found that the section of the act that limits entitlement for mental stress cases to an acute traumatic event was discriminatory under the Charter of Rights and Freedoms because other types of claims, claims for physical disability, are not limited in the same way.

0910

I think it's important to note that the panel's remedy was restricted to simply the case that was in front of it, and all we can ever do as vice-chairs is look at the individual circumstances of the case in front of us. That's in accordance with the Supreme Court of Canada decision on that issue, so each case has to be decided on its own merits.

In particular with mental stress claims, the difficulty is proving work-relatedness. There haven't been very many of those. It's hard to say, Mr. Gates, whether there will be more as a result of this case, but if there are, each one will still have to go forward on its individual merits.

Mr. Wayne Gates: But there are a lot more mental stress claims that are going in that end up being denied at the original stage.

Ms. Laura Bradbury: I don't know that. I don't personally know that. I think it's possible that representatives may be bringing more mental stress cases, but whether they're being granted or denied, I just don't know the answer to that.

Mr. Wayne Gates: Just something that was interesting in your opening comments: As you're aware, active cases in June 2014 were almost 8,400, double the 2003 levels. Based on your experience, have you got any suggestions that would assist the tribunal in dealing with this number of active cases? It seems quite large.

Ms. Laura Bradbury: It is large and it's always difficult dealing with a large caseload, particularly with a sudden increase in caseload. But I agree with the chair's written statements that the key to addressing this really is adding additional vice-chair resources. I know that that's the reason he's requesting a number of additional appointments as part-time vice-chairs. That's really the way to tackle—it's the beginning of the way to tackle the caseload.

I know the tribunal has also done a lot in terms of streamlining its processes to make sure things move more smoothly through the tribunal, but I agree with the chair that the key is additional resources.

Mr. Wayne Gates: Okay. How much in resources?

Ms. Laura Bradbury: That, I don't know the answer to.

Mr. Wayne Gates: I'll tell you, when you look at the caseload—I don't know. I'm sure my colleagues don't know this as well, from the calls that they get into their offices: Somebody gets injured on the job. They can no longer work. Sometimes in a unionized workplace you can still get your sick benefits, and, when you get your compensation claim approved, you would then compensate the company first on the sick benefit. But in a lot of workplaces, that worker is out there with no money and they go through denial.

I'll give you an example. I've had people come to my office where they physically had an operation, a hernia at work, but they don't get paid. They get denied WSIB, so now they're out there for six, seven weeks, depending on how quickly they heal, with no money. Or they hurt their back and are out there for a long period of time with no money.

It's a real challenge in today's society to make sure. It's supposed to be there. If you get injured on the job there should be a process that certainly is relatively fair and quick so there's no financial hardship if, through no fault of their own, a worker gets hurt on the job. It seems that that's not happening in the province of Ontario. The

caseload is showing that; 3,000 to almost 9,000 is a huge increase.

I'm not saying you're the one who's going to do it, but I think it's important to have this discussion, particularly with your background, being a lawyer, and particularly with your background of understanding and dealing with the WSIB over a long period of time. I'm sure that over that period of time you have seen that there is a need to fix the system. I think that's kind of where I'm at. If adding more resources, by the sounds of it, is one way to do it, then I think we have to add a lot more resources to it. It seems to me that it's just not working.

I'm glad that you like to do public service. I think it's important to have people who have been involved with the WSIB, people who, obviously, have your background as a lawyer; I think that's important as well. But we've got to find a way to fix the system because my office is just—and they're desperate.

A lot of other things happen. It's not nice to say, but a lot of other things—you've seen marriage breakups. When people don't have money, they get desperate. Hopefully, over the next little while, we can fix the system, because it certainly isn't fair to injured workers in the province of Ontario.

Ms. Laura Bradbury: I agree with you that delay is certainly a serious concern, and it's the major concern that the commission looked at. We were able to help quite a few people with that. I know the chair of the tribunal is committed to dealing with this issue as well. So I appreciate your comments on that.

Mr. Wayne Gates: Thank you.

The Chair (Mr. John Fraser): Now we'll move to the government side. You have about eight minutes and 20 seconds: Ms. Vernile.

Ms. Daiene Vernile: Vernile.

The Chair (Mr. John Fraser): I know. As soon as I did that—Ms. Vernile.

Ms. Daiene Vernile: There's a famous football coach in the States, Dick Vermeil, and I get mistaken for him many times—well, not him, but the name.

Ms. Bradbury, thank you very much for coming and speaking to us today. It would appear that you were retired. Is that correct?

Ms. Laura Bradbury: Yes.

Ms. Daiene Vernile: What is it about this part-time position that interested you, that you wanted to apply for it?

Ms. Laura Bradbury: As you know, I retired two and a half years ago, and I was very busy initially with volunteer work that I do with the Forum of Canadian Ombudsman. Then we got that moving along, and I thought, "I've got time and energy and commitment." And I just happened to see the ad from the Public Appointments Secretariat and thought perhaps I could make a contribution. I was ready to commit to that. I told the chair that I have time and that I can be flexible and I'd like to help out as much as I can with respect to the workload.

Ms. Daiene Vernile: What unique qualities do you think that you will bring to the position?

Ms. Laura Bradbury: I have a lot of experience in the area of workers' compensation, and a fairly broad experience. I've got experience both as an adjudicator and as an ombudsman, so I've been able to look at the issues from many different angles. I have experience both in Ontario and British Columbia. I think, from the chair's statement, that having adjudicators who are experienced in and knowledgeable about workers' compensation is one of the main criteria that he's looking for, in terms of having people who can help with the caseload.

Ms. Daiene Vernile: You've talked about your concern about a back-load. How do you hope to affect that? What specifically will you do?

Ms. Laura Bradbury: My personal, individual role, if my appointment is approved, will simply be to hold hearings and issue timely decisions. I'm committed to doing that and making myself as available as possible.

Ms. Daiene Vernile: Thank you.

Ms. Laura Bradbury: You're welcome.

The Chair (Mr. John Fraser): Thank you very much, Ms. Vernile.

Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Ms. Bradbury, for coming. Do you feel that your background and your experience will help to actually resolve the logjam because you're already up to speed, in essence, in your role?

Ms. Laura Bradbury: Yes, that's a good point. I am up to speed. I mean, I will go through the four-week orientation program, because my experience is quite a long time ago with respect to this particular tribunal. I'll go through the orientation program, and then I think that I'll be able to jump right in, really. That will help.

Mrs. Kathryn McGarry: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. McGarry.

Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. You talked about the heavy workload in front of you. What's the typical time to go through each individual case? Is it a number per day? Is it days per—

Ms. Laura Bradbury: Sorry, are you talking about an appeal hearing?

Mr. Jim McDonell: Yes, each appeal that's in front of you. There are 8,400. What's a typical time frame for them?

Ms. Laura Bradbury: I'm not sure that I can really answer that specific question, but I can tell you I read the last annual report that was produced from the tribunal. There's a time limit in the legislation to release decisions within six months of the hearing. From the last annual report, it appears as though at least 85% of those cases meet that timeline. So it's around six months from the time of the hearing to the time the decision is released.

Mr. Jim McDonell: So it's six months to release. Would you see a number of those cases in a day for the appeal? I'm just trying to get a feeling—

Ms. Laura Bradbury: Again, I'm taking this from the annual report, not from my personal experience, but I

think the tribunal has a number of ways of dealing with cases.

There are preliminary matters that they'll often have people hear as a group, so you might hear 10 preliminary matters a day. There are some cases that are decided by way of written submissions, and you could do a number of those in one day. Then there are some cases that require oral hearings, and they take more time in terms of how much time they need to be scheduled and the hearing time and the decision-writing time.

So there's a range of issues and types of cases and a range of ways that the tribunal has developed for dealing with them.

0920

Mr. Jim McDonell: Yes, I know. I was just trying to get an idea of that 8,500, just what type of time we're talking about.

In your time in the role you had previously, do you see any recommendations that you would have to change things around?

Ms. Laura Bradbury: Well, not specific recommendations beyond the one of adding the resources. In 1985, when the tribunal started and I was there—that was following new legislation—when we opened our doors, there were already hundreds of cases waiting for an appeal because they'd been held at the board pending the implementation of the new legislation. So the chair at that time asked for additional resources and was able to get that, and use part-time vice-chairs; we were able to successfully deal with that backlog. I'm thinking that this will be very similar as well.

Mr. Jim McDonell: I guess, looking at the cost of the WSIB, it's a huge payroll tax, and then we have a deficit involved that, over the last 10 years, has gone from \$4 billion to—I've seen numbers as high as \$19 billion, huge numbers. That has to be paid off and, at the same time, we have to work through this inventory.

When you worked on the Fair Practices Commission, can you give us examples of some of the positive things you achieved as far as some of the individual cases?

Ms. Laura Bradbury: Sure. Maybe I'll just talk about three main types of system-wide issues that I feel good about.

One had to do with occupational health and safety cases. A number of those had been quite delayed. I made 10 recommendations following an investigation and the board accepted all of those. As a result, there haven't been ongoing delays in those cases, and I think that the employer and worker communities are satisfied that they're now dealt with in an expeditious way. As Mr. Gates said earlier, for people who are waiting for a decision in those cases who are ill, it's really important that those matters be heard quickly.

The other issue that I'm proud of is dealing with seriously injured young workers, which is a group of workers aged 15 to 24. When I started to look at that category of cases, I found that they often got very limited retraining because they hadn't been in the workplace very long and their wages were quite low. That was the

basis that the board used for deciding how to retrain them. As a result of my work, the board created a new policy for seriously injured young workers and enhanced retraining for that group. So I'm pleased with that.

The final category was older workers. We made some strides with respect to older workers being treated consistently and fairly. Those are three areas that I feel good about.

Mr. Jim McDonell: I think as Mr. Gates had alluded to, the mental health issues are becoming a bigger issue, more than the physical injuries. From a WSIB perspective, any ideas on how we can deal with this increase in this category of injury?

Ms. Laura Bradbury: You know, you're absolutely right that mental health issues are a growing concern. I'm hopeful that the board will start to look at those somewhat differently at the front end. I think that might make a difference. If they can be dealt with there, then they don't necessarily have to come on to appeal.

Mr. Jim McDonell: I often wonder, sometimes, when we spend a lot of time trying to figure out, really, someone getting hurt and some of the benefits, but we're sitting here with a health system that's supposed to look after people. If you get hurt at work, you're treated differently than if you get hurt at home or on the way to work, and you wonder, why the difference in a society that's supposed to have full health coverage? Any comment on that or a procedure where it really puts it more to the health system—not that there's not an employer insurance cost, but trying to figure out where it should go. It goes back to the system and people get the attention they need?

Ms. Laura Bradbury: Right. The board has made quite a few strides in working much more closely with the health system and health system providers. I would say that in the past 10 years, they've done a lot to try to make sure that those programs mesh together and not have people stranded in one system or the other. I'm sure there is more to be done, but they recognize the benefits of working together and having coordinated processes wherever possible. They have very good people at the top who are looking into those issues.

The Chair (Mr. John Fraser): That concludes the time for the interview this morning. Ms. Bradbury, thank you very much for appearing.

Ms. Laura Bradbury: You're welcome.

The Chair (Mr. John Fraser): You may step down.

Ms. Laura Bradbury: Thank you.

The Chair (Mr. John Fraser): Now we'll move to concurrences. We will now consider concurrence for Ms. Laura Bradbury, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

Mr. Lou Rinaldi: Chair?

The Chair (Mr. John Fraser): Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Laura Bradbury, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

The Chair (Mr. John Fraser): Any discussion? All in favour? All opposed? Motion carried.

Congratulations, Ms. Bradbury. Thank you very much.

Ms. Laura Bradbury: Thank you very much.

The Chair (Mr. John Fraser): Now we will—

Interruption.

The Chair (Mr. John Fraser): We have a quorum call going on.

Mr. Vic Dhillon: We're done, right?

The Chair (Mr. John Fraser): No, we still have a couple of—I guess we'll have to go back up and then come back down, right? We'll see.

Mrs. Kathryn McGarry: Chair?

The Chair (Mr. John Fraser): Yes?

Mrs. Kathryn McGarry: Respectfully, with the bell going, do we not need to be in the House?

The Chair (Mr. John Fraser): We'll recess, and we'll come back after the quorum call.

The committee recessed from 0925 to 0926.

The Chair (Mr. John Fraser): I call the meeting back to order. We have a couple of appointees whose certificates will expire before we come back in February. We just want to extend them to, I think, February 27. We'll just get the names; I think there's two.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Gérald Naud, nominated as a member of the Social Benefits Tribunal, Social Justice Tribunals of Ontario, and Erica Phipps, nominated as a member of the Pesticides Advisory Committee, to February 27, 2015? Do we have unanimous consent? Agreed? Agreed.

I think that concludes our business for the day, so meeting adjourned. See you in February.

The committee adjourned at 0928.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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First Session, 41st Parliament

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Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 17 February 2015

Journal des débats (Hansard)

Mardi 17 février 2015

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



Chair: John Fraser
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 17 February 2015

The committee met at 0905 in committee room 1.

The Chair (Mr. John Fraser): I'll call the meeting to order. Welcome back, everybody. It's nice to see so many smiling, happy faces. We're all happy to be back.

Mr. Randy Pettapiece: You looked that way.

The Chair (Mr. John Fraser): No, I looked over—I looked right at you. You surprised me on the corner the other day.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): Before we get on with our intended appointments today, we need to adopt a few subcommittee reports. I'd like to ask for the subcommittee report dated December 11, 2014. Would someone move adoption of the report, please?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated December 11.

The Chair (Mr. John Fraser): All in favour? Opposed? Carried.

For the subcommittee report dated December 18, 2014? Mr. McDonell.

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated December 18.

The Chair (Mr. John Fraser): All in favour? Opposed? The motion is carried.

For the subcommittee report dated January 22, 2015, could someone please move this report? Mr. McDonell.

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, January 22, 2015.

The Chair (Mr. John Fraser): All in favour? Opposed? The motion is carried.

For the subcommittee report dated February 5, 2015, can I have someone please move adoption of the report? Mr. Rinaldi.

Mr. Lou Rinaldi: I move adoption of the subcommittee report on intended appointments dated Thursday, February 5, 2015.

The Chair (Mr. John Fraser): All in favour? Opposed? The motion is carried.

For the subcommittee report dated February 12, 2015? Mr. Rinaldi.

Mr. Lou Rinaldi: I move adoption of the subcommittee report on intended appointments dated Thursday, February 12, 2015.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 17 février 2015

The Chair (Mr. John Fraser): All in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MS. LAURA SMIT

Review of intended appointment, selected by official opposition party: Laura Smit, intended appointee as member, Walkerton Clean Water Centre.

The Chair (Mr. John Fraser): We will now move to the intended appointments we have to review today. We have one intended appointee to hear from, and then we'll consider the concurrence, following the interview.

Our first intended appointee today: Laura Smit, who is nominated as a member of the Walkerton Clean Water Centre. Can you please come forward, Ms. Smit? Thank you.

Welcome. Thanks for being here this morning.

Ms. Laura Smit: Thank you.

The Chair (Mr. John Fraser): You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time. We will start questioning with the government. Thank you.

Ms. Laura Smit: Thank you, Mr. Chair and members of the committee, for inviting me to speak to you today. It is an honour to be considered for the position on the board of directors for the Walkerton Clean Water Centre.

I'd like to tell you a bit more about myself, in addition to the information that you have in front of you.

I began my career in the drinking water industry in 2001, when I went to work for a small, rural municipality at the township of Severn. I started as an operator-in-training, eager to learn and with the ability to think quickly on my feet. I now hold class 3 licensing in all of the disciplines—water treatment, water distribution and supply, waste water collection and waste water treatment—and I'm the utility supervisor designated as the overall responsible operator for our systems.

I am also very involved in my community. I enjoy volunteering, and specifically, working with the soccer clubs in our area as a referee and a coach. My favourite games to referee are of the young children, who have such an amazing love of the game. I enjoy fueling the passion the kids have for the sport I love.

Through my career, I've built industry-specific knowledge through hands-on experience and through the education process built into the training of drinking water and waste water operators in Ontario. In addition to that, I also was a member of the mandatory renewal development course for drinking water operators in 2011 and in 2014.

My on-the-ground knowledge and experience makes me an ideal candidate for this position, bringing the perspective of an operator to the table, as one of the key points in the mandate for the centre is to train and inform operators, owners and operating authorities. I volunteered my time as the vice-chair of an industry quarterly magazine, Pipeline, helping to bring this voice to the surface.

0910

I also bring the perspective of small systems. Many of the issues that small systems face are ease of access to services and products at reasonable costs in a timely manner. For the township of Severn, we are lucky that we are not located too far from the GTA, so our access is only slightly cumbersome, but it's not the same for isolated communities trying to do similar work in northern Ontario.

I also worked for a brief period of time as the manager of the Jasper Waste Water Treatment Plant in Alberta. There, the location is serene and idyllic; however, trying to operate a waste water treatment plant in an isolated, small community in northern Alberta was a challenge, to say the least.

I do understand that this posting is specifically for the application of drinking water systems, but in a small system we do everything. We become jacks of all trades, not just experts in one area. That is what it means to be a small system operator in Ontario, critical to meeting the mandate set out for the centre.

The Walkerton Clean Water Centre arose out of a tragedy nearly 15 years ago. I've spent almost that long in the industry, and have watched our industry undergo massive, important changes. The role that the centre has played in the direction of training for new operators, as well as the continued education of existing operators, is critical.

The research coming from the centre is also crucial for the drinking water industry. Applying this homegrown research means that Ontario's issues are resolved with an Ontario solution. I have been lucky to be able to access the research in the past as we investigated new treatment solutions at one of our drinking water systems. We were able to use the conclusions of the centre's research to confirm the best solution for our system.

Thank you again for your time today, as I welcome the opportunity to become a member of the centre, to be able to promote, utilize and endeavour to ensure that its mandate of training, research and technology for the drinking water sector in Ontario is met.

The Chair (Mr. John Fraser): Thank you very much, Ms. Smit. On the government side, you have six minutes and 37 seconds. Ms. Malhi?

Ms. Harinder Malhi: How did you hear about our position?

Ms. Laura Smit: I was actually contacted by Mr. John Stager, the chair of the board. He asked me if I would put my name forward and consider this position.

Ms. Harinder Malhi: Were you interviewed?

Ms. Laura Smit: He did an interview over the phone, yes.

Ms. Harinder Malhi: Thank you.

The Chair (Mr. John Fraser): Ms. Wong?

Ms. Soo Wong: Thank you so much for your presentation this morning, but also for sharing your own personal passion about this issue of water and Walkerton. All of us in this room are quite familiar with the tragedy, but I just want it to be on the record. As someone who is coming from public health, I was around in the time when the Walkerton tragedy occurred.

In terms of your expertise—because you obviously came with some professional expertise, and you talked in your presentation this morning about new research and new treatment solutions—can you share with the committee what would be your priorities as a new member on this particular board?

Ms. Laura Smit: My priorities in general, where I have been trying to raise awareness, are on training and access to services, and the same information for smaller communities that are out there. A lot of times when we go into things that are being developed—policies and information packages—they apply to large urban centres, and it's difficult to then turn that solution into something that is applicable at the smaller setting. My goal is really to make sure that we're not under-represented, and that somebody thinks about that before something comes forward.

Ms. Soo Wong: Well, thank you very much for your expressed interest and for your consideration, because being a public servant—that's what you are professionally, and now your consideration of sitting on this public agency. Thank you for your interest.

Ms. Laura Smit: Thank you.

Ms. Soo Wong: I don't have any more questions.

The Chair (Mr. John Fraser): Any further questions? Thank you very much.

The official opposition: Mr. McDonell?

Mr. Jim McDonell: Thank you for coming out today. I see you're part of a small system. Maybe just explain the size and the nature of the operation you work for.

Ms. Laura Smit: The township of Severn encompasses about 12,000 residents in total, but I believe our total is about 3,500 of those who are serviced with municipal drinking water, and only half of that is serviced by waste water. In our rural municipality, we actually have six drinking water systems and three waste water systems. Instead of having one large, interconnected grid system, we have isolated pockets of servicing that are around our areas of development.

I've often joked that in our six systems, we have three that take from surface water—so from Lake Couchiching—and three that are groundwater. And even though we're small, if there's a technology out, we're using it in

one of our plants for tackling a specific problem. We do encompass a lot of the treatment options that are out there for drinking water, even though we have a small system. It's just on a smaller scale than the urban centres.

Mr. Jim McDonell: Are your three—or six plants—are they all similar in nature, the drinking-water plants?

Ms. Laura Smit: No. Two of them were built around the same era; they are more similar, I would say. But each of the systems is quite distinct and separate. Even the three systems that all pull out of the same lake source operate differently and have different technologies in the plants.

Mr. Jim McDonell: We had a number of small systems in the township I was mayor of. Can you elaborate on some of the problems that you have related to the small size?

Ms. Laura Smit: Some of the issues are—going through budget season right now, our annual budget was just passed—that water and waste water aren't—people don't see it unless there's a big red flag in front of them, because it's buried infrastructure and it's in a building that they never see. People tend to see libraries, community centres and things like that. So I am grateful for the council that we have, that they are forward-thinking and we don't have to tackle that. But I know in some of the small communities it becomes difficult to want to allocate resources to something that the constituents aren't clamouring for.

Another one is definitely training and access to training. Under the legislation, we are required to complete a certain amount of training for our licensing, and some of the training providers outside the Walkerton Clean Water Centre, they're out for a profit. And we understand that, but what will happen is, they'll come out in the spring with a brand new training schedule, and unless they fill the room with a minimum number of people, they cancel the course, and now the people who require that training—it's not accessible to them in an easy location.

I sent a couple of our staff to a course last week and there was somebody from Thunder Bay at a course in Barrie. That's a long distance to be driving to complete required training. The Walkerton Clean Water Centre doesn't have the same mandate, so that's where they can go out and provide that training to people where it's less accessible for the operators out there.

Mr. Jim McDonell: Now, OCWA also does a lot of training. How do you find them as an alternative?

Ms. Laura Smit: OCWA did a lot of training for many years early on. They've only recently started getting into training outside of their own operators again. They are a viable alternative. The hub area near us does a couple of training sessions, but again, the OCWA operators generally are still attending some of the similar courses that we are, outside of their OCWA-provided training.

Mr. Jim McDonell: Some of the regulations coming down are more around the large centres. Do you have any examples of ones that are very hard to put in place and somewhat seem, I guess, unnecessary, you might say?

Ms. Laura Smit: I don't know that I would say it would be unnecessary but one of the—under the Clean Water Act, the idea that we can improve the efficiency of our systems is an underlying tone to that act. One of the ways that we can do that is remove any leaks that we have. I find it frustrating when I've attended some of the training for leak detection, because it is meant, and driven, for the large urban centres. So how do I take that technology that's out there for the large urban centres and apply it in our small system so that we can make our system as tight and as efficient as possible?

The other part of that is that we're supposed to be accounting for all of our water consumption. We track how much water comes into the plants, we track how much water goes out, and we meter all of our residents. And we're supposed to do these big accounting water-loss audits. On a small system I have so much other stuff I need to do, that's a difficult process. And it's not something we complete regularly, so it's a big, cumbersome process. In a larger centre you can have people assigned so that they can manage that data. That's one of the aspects that I really wish we could fine-tune a little bit so that we can improve our efficiency, because we want to—just maybe not in the same ways that the larger municipalities are geared towards.

0920

Mr. Jim McDonell: Yes. Especially when you look at a closed system—I mean, much of the water goes outside, watering grass, so you've got to wonder in some cases what useful information you're providing versus the manpower it's taking.

Ms. Laura Smit: Exactly.

Mr. Jim McDonell: With the agency and your work in it, what are you hoping to change or bring back to the board?

Ms. Laura Smit: I haven't been too involved with the board's actions to date, so I'm not really sure of where they're sitting and any of the events or areas that they're trying to focus on. As I said before, my focus will be on training and small systems and just making sure that I stick my hand up to speak for those two things, as we're discussing. But I don't really have a clear direction of what the board is working on right now.

Mr. Jim McDonell: It's clear that the small systems in rural areas are much different, and some of the regulations don't, in my mind, make a lot of sense. In a high school, they have to test their water twice a day because they're not on the water system. The testing takes probably close to a week to get results back. If they miss one of the tests, they have to put up a sign saying it's not safe. It takes them a week to get a result back. It undermines the public's confidence in the system when you see a sign up saying it's not safe, whereas if they had taken the test, they wouldn't know for a week anyway. It's just regulations to death.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: I come from a small town. In the riding I represent, we're all mostly small communities, and it's an issue when regulations are brought down in a one-size-fits-all system for the province. You have

just explained that doesn't work. I certainly know that doesn't work. In fact, where I live, we hired OCWA to do most of this work for us because of the manpower, training—whatever was going to be involved in it. When I was on council there, we decided to use them because of, we thought, cost savings, whatever.

I see that as an issue when you get outside of the larger centres, where you say you don't have a person specifically assigned to test water every day; you have a different bunch of people doing it or whatever. We see this in a lot of businesses when you have to fill out government forms, whatever. Some of the larger municipalities certainly have people assigned to do all these things, whereas the smaller ones don't.

In fact, we just had a bunch of applications go through for ice storm damage, which just got to be a fiasco because of the paperwork involved.

Do you have a magic wand to help cure some of this paperwork burden—"overburden" I would call it—for small municipalities? It just gets to be unbelievable.

Ms. Laura Smit: I wish I had a magic wand to be able to do that.

Speaking to some of the changes that have come over the last 15 years, record-keeping and document control is a massive part of what we do now. When I started with the township, we only had five systems—one was added on—and there were three of us, and now there are seven of us. The workload has changed fairly significantly. A large majority of our job now is spent doing record-keeping, ensuring compliance and conformance, as well, for our audits. It's a heavy burden for people who also want to go out and dig a hole with their shovel and make a difference by actually fixing something instead of filling out the paperwork for it. It is difficult, but that's just what we've come to understand as being the place that we're at right now.

I think the regulations had—that pendulum had definitely swung to over-regulated, over-prescribed, and we seem to be backing off a little bit, streamlining a few processes, and there's ease of familiarity with the process as well on both sides, ours and the ministry's, to be able to access that. I wish I had a magic wand, but—

Mr. Randy Pettapiece: I would suggest that—

Interjection.

The Chair (Mr. John Fraser): Yes, we're done.

Mr. Randy Pettapiece: Apparently, I can't do that.

The Chair (Mr. John Fraser): Sorry. There we go.

Thank you very much, Ms. Smit, for being here this morning.

Since we only have one intended appointee this morning, we're going to move forward with concurrence right now.

Interjection.

The Chair (Mr. John Fraser): Sorry. You'll need to step down. Pardon me.

Ms. Laura Smit: Thank you.

Mr. Lou Rinaldi: Chair?

The Chair (Mr. John Fraser): Mr. Rinaldi?

Mr. Lou Rinaldi: Is it too late to ask a question? I guess I am. Okay. That's fine.

The Chair (Mr. John Fraser): You can once we're done here.

We will now consider the concurrence for Laura Smit, nominated as member, Walkerton Clean Water Centre. Would someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of Laura Smit, nominated as a member of the Walkerton Clean Water Centre.

The Chair (Mr. John Fraser): Thank you, Mr. Rinaldi.

Is there any discussion? All those in favour? Opposed? The motion is carried.

Congratulations, Ms. Smit. Thank you very much.

Ms. Laura Smit: Thank you.

The Chair (Mr. John Fraser): Now we have a few extensions to consider, as we've got some intended appointees who are going to expire on the 27th. I'm going to consider them all as one, so I'm just going to read out all their names.

Interjection.

The Chair (Mr. John Fraser): Shara will be happy that I mention this. Inside your Pushdox, right at the bottom, there's a tracking sheet for our intended appointees, so you can look at it that way. All right?

Do we have unanimous consent to extend the deadline to consider the following intended appointees, who all expire on February 27: Mr. Gérald Naud, nominated as a member of the Social Benefits Tribunal, Social Justice Tribunals Ontario; Erica Phipps, nominated as a member of the Pesticides Advisory Committee; William R. Apted, nominated as a member of the Ontario Review Board; and Jeffrey Weinstein, nominated as a member of the Ontario Review Board, to March 27, as the date we would extend it to?

Interjection.

The Chair (Mr. John Fraser): Yes, February 27 is the date that they will expire, so we want to extend it to March 27. Do I have unanimous consent to do that? That's great. Thank you very much.

That just about brings our meeting to a close, but I do want to mention, for those of us who have our iPads here this morning—and for those who don't—that Shara is here. She can assist any of us with any issues that we're having with the pilot.

Ms. Wong?

Ms. Soo Wong: I don't have one, so I don't know what you're talking about.

The Chair (Mr. John Fraser): Okay. Ms. Wong is subbing in the committee.

Ms. Soo Wong: I'm not part of the pilot. How's the pilot going?

Mr. Lou Rinaldi: Great.

Interjections.

The Chair (Mr. John Fraser): Okay, the meeting is now adjourned.

The committee adjourned at 0929.

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Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 24 February 2015

Journal des débats (Hansard)

Mardi 24 février 2015

Standing Committee on Government Agencies

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 24 February 2015

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 24 février 2015

The committee met at 0901 in committee room 1.

INTENDED APPOINTMENTS

The Chair (Mr. John Fraser): I'm going to call the meeting to order. Good morning, everybody. We don't have any subcommittee reports this morning, so we'll be moving directly towards consideration of appointments. We have two intended nominees to hear from this morning, and we'll consider the concurrences following those interviews.

MR. BRUCE BODDEN

Review of intended appointment, selected by official opposition party: Bruce Bodden, intended appointee as member, Ontario Infrastructure and Lands Corp., Infrastructure Ontario.

The Chair (Mr. John Fraser): Our first intended appointee today is James Bruce Bodden, nominated as member, Ontario Infrastructure and Lands Corp., Infrastructure Ontario. Mr. Bodden, can you please come forward? You can have a seat at the table here.

Thank you very much for being here. You can make a brief statement, if you wish. Any time that you use will be taken from the government's time and then we'll rotate around. We will start the questioning with the official opposition this time around. Thank you very much, Mr. Bodden. You may proceed.

Mr. Bruce Bodden: Thank you, Mr. Chairman. It's a pleasure to be here this morning. Let me take the opportunity you offered me to give some sort of introductory comments about my experience and qualifications. If I go beyond your definition of brief, please just give me a signal and I'll stop.

The Chair (Mr. John Fraser): I assure you, you'll get one.

Mr. Bruce Bodden: I'm sure I will, too.

I'm a professional civil engineer, a graduate of the University of Waterloo many years ago. I'm retired, but before I retired, which was almost two years ago, I spent some 44 years planning, designing, procuring and managing infrastructure projects in Ontario, across Canada and internationally.

It's strange by today's custom, but I actually spent all of those 45 years with the same firm, now called the MMM Group Ltd., but formerly Marshall Macklin Monaghan. All of those years—except for two early in

my career when I was seconded to a company called Cansult Ltd. and did infrastructure projects for two and a half years living in the Middle East.

I became a director of MMM's board for 33 years. I became president and CEO of the company in 2001 and 2003 and served in that role for 10 years. Then I stepped down and served as chairman for the last two years.

The firm is a consulting, engineering, planning, geomatics, program management and project management business, with about a 65-year history. When I took over as president and CEO, we were about 450 people, principally in the Ontario marketplace. When I stepped down as president and CEO, we had implemented a strategic plan and grew the business to 2,000 people, which is what the firm is at today, I believe. It's a national firm, Canadian, privately owned and operating around the world.

Most firms like ours tend to develop a bias to either work for the public sector or the private sector. We were a little different, in that throughout the history of the company we worked for both the public sector and the private sector and managed to do that without getting into too much trouble, usually. But that uniqueness went when alternative financing and procurement projects came along, or what we then called P3s, or even before that, privatizations. I think we felt we had some advantage because we did understand how the public sector works and how the private sector works. So we decided that we would create our business divided among public sector one third, private sector one third and what we called P3s one third. That's basically what we did. We were pioneers in the P3 business, certainly in Ontario.

The first project that was a milestone for us and for the industry was Terminal 3 at Pearson international airport, which was really a privatization. That term has come out of favour, but it was a privatization, where the private sector was invited to deliver what would normally have been a public sector facility and service. It was a very successful project.

Also, early in those days, in the 1980s, for the Ontario government, we did the automation of the Ontario land registry office. Some of you will remember that as the Polaris project that morphed into something called Teranet, which is well known—another very successful project. We led a consortium of firms that did that data conversion.

Early on, we were doing P3s, and the Terminal 3 project led us into some work for the government of Hong Kong when they were contemplating their brand new, massive airport project. We consulted for them, advising them on the merits of public-private partnerships and which elements of their project might be candidates for that kind of work.

It also led us into the Premier's office in Ontario. We put in an unsolicited proposal to then-Premier Bob Rae to deliver Highway 407 as a P3 project. Some of us will forget that it was the NDP government that did the biggest P3 project the province had ever seen back in the day. At that time, MTO was in the process of planning and designing and building bits of it. Their plan to complete the 407 was 35 years. The government realized we needed this relief earlier and so agreed to a P3 delivery model.

Two teams—and just if I digress for a second—were pre-qualified to bid on it. Each team was paid almost a million dollars by the government to review the designs to date to see if there were any efficiencies—what they called “value engineering,” to value-engineer the project to see if there could be some efficiencies that could be found in the design. Both teams came up with about \$800 million worth of cost savings—mostly the same things, I would say.

So before that project even went to procurement, the cost of that project was trimmed by about \$800 million and that was a value-engineering exercise. I don't know where that ever gets recognized when the Auditor General looks at AFPs and this sort of thing. Probably it doesn't. Anyway, three years later, the highway was operating. The only thing wrong with this story is our team didn't win. It was actually built by the Canadian Highways International Corp. It's okay. We went and competed with them for the Fredericton-Monkton Highway a year later and won that one.

We were also founding members of the Canadian Council for Public-Private Partnerships. Ourselves and John Beck's firm, Aecon, and one or two others conceived of the idea of creating this council. I was asked to speak at the opening conference—this is 20 years ago, at least. I was asked to speak at the plenary session on the state of public-private partnerships in Canada at the time. It wasn't a very pretty picture I painted 20 years ago. We had some successes to talk about for sure, but we also had some disappointments in cases where both the private sector was at fault and the public sector was at fault. It was a good introduction to some lively discussion at that conference. I think we've learned a lot about AFPs in the 20 or so years that have passed, and today Canada is really seen as one of the well-respected leaders in AFPs around the world, along with Australia and, to a lesser extent, Britain.

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The other thing about my experience through MMM that was a little different is that we worked both sides of the fence on P3 projects—not the same project at the same time, of course, but we were quite happy to be

working for the concessionaires and developers and contractors as their engineers; also, we worked on the side of the government as independent engineers or compliance engineers, and we did that.

I think a project that's still current, I think we're still involved—or the firm. Sorry; not “we.” The firm is still involved in the Pearson rail link, providing compliance through an independent engineering role. We did it also for the Ministry of Transportation in Quebec on the A30 bypass that went south of Montreal.

In the last few years of my career, I was fortunate to work on two very interesting and large projects. One was that I was the head of the consortium that provided program management services to the Toronto Waterfront Revitalization Corp. You will recall that that was set up as a joint venture of the three levels of government, each putting in \$500 million, to try to convince IOC that we could actually produce a waterfront-based Olympic venue for the 2008 Olympics, but that money was put forward without any strings attached to the success of that bid.

The Chair (Mr. John Fraser): You have one minute left.

Mr. Bruce Boddén: One minute? One minute is fine. Thank you.

That was from 2002 to 2007. Of course, that became Waterfront Toronto, and it was a very interesting project.

I also, following that, spent four or five years as the lead partner on the comprehensive master plans for the holy cities of Mecca and Medina in the Kingdom of Saudi Arabia—quite possibly the biggest and most complex planning study ever done.

Why do I want to be appointed to the board of IO? To be perfectly honest, I didn't. I was approached by the CEO of IO when I retired, to ask if I would consider sitting on the board. I also talked to the chairman of the board. Both encouraged me to make this application, so I have done it.

I think that the board of IO is—when you look at it, it's made up principally, or primarily, of lawyers and investment bankers—

The Chair (Mr. John Fraser): Thank you very much.

Mr. Bruce Boddén: —which is not necessarily a bad thing, but there are no engineers—

The Chair (Mr. John Fraser): Mr. Boddén, your time is up. Thank you very much. We will begin the questioning with the official opposition.

Mr. McDonell.

Mr. Jim McDonell: Thank you for appearing today. I see you have considerable experience in P3s. Can you go over some of the ones that are maybe a little closer to home; over the last 10 years, that you have been involved in, specifically, in Ontario?

Mr. Bruce Boddén: In Ontario, we were involved in the second bid for the 407 and actually ended up doing the design of most of the east and west extensions and two high-level structures in the west end as well. A lot of transit work—forgive me when I say “we.” That's a habit

that's hard to break. I am no longer connected with MMM in any way at all. It's just a hard habit to break. But we're working on program management, really—not P3s, but on the Eglinton—for Metrolinx. There are a number of big transit projects.

Port Mann Bridge in Vancouver was a project that we did the engineering on. We've done airports all over the world, and a number of those were P3s as well, including Budapest and Quito airport in Ecuador—not an Ontario project, of course. So it's an exportable work as well.

Mr. Jim McDonell: Did you find from your Canadian counterparts a lot of competition from Canada, or was it mainly international competition on some of your international projects?

Mr. Bruce Bodden: It's absolutely an international—the projects are big. The contracting industry is absolutely international. The Spanish are hugely exporting their construction capabilities, as you know, on these projects. But the Canadian firms—Aecon, EllisDon, PCL—are contenders, for sure, and successful. Hospital works as well.

Mr. Jim McDonell: I know that one of the issues in the news of last year was the MaRS building, and the—I won't say “misuse,” but the inefficient use of public money on that. You're coming with a different background. How do you see that that background would apply to projects like that? You're more from the technical side than the banking side.

Mr. Bruce Bodden: I think my experience is more related to the structure of P3s, the engineering side of it, of course, but also I think, having worked both sides, we understand what governments are good at and what the private sector is good at. They're very different things. The government is good at regulation and policy, and the private sector is good at efficient deliveries—and not very good at regulation.

Other than what I read in the paper, I don't know anything about the MaRS project. I know that Bob Fung and I looked at that a little bit when we were starting at the waterfront corporation because he was all about convergence centres and this seemed to be an interesting example of a research convergence centre.

My personal feeling is that I'm not real excited about government bailouts of any kind. Whether it's the automotive industry or Bombardier, I'm not sure that we do more than delay the inevitable. If it doesn't work on its own, I don't know whether it's—bailouts are hard for taxpayers to accept sometimes.

Mr. Jim McDonell: You talked about lessons learned over the years in P3s, and some of the changes you see that need to be made in the format. They do certainly have their benefits in efficient construction.

Mr. Bruce Bodden: I don't think there's any going back, for one thing. I recall, when I made that presentation at the Canadian Council for Public-Private Partnerships, there was an anecdote that ended up with, “Rejoice, rejoice, you have no choice,” which became, for a short time, the mantra of the organization. We have to do it and we have to do it better than we have been

doing it, although I think we're much improved. We've gained knowledge and we're striking better contracts.

We're good at understanding the private sector and the public sector. I'm not sure we're good at understanding the partnership side of it yet, and I think there's a lot we can learn through a consultation process. There's still a fairly adversarial role in all of these things—owner and contractor or concessionaire, and I think that that's not particularly healthy.

I also think that there are a lot of other ways that things can be done. I mentioned the 407. The central section was a design-build-finance-operate contract, but it wasn't financed. At the last minute, the government took the financing back in-house—which they had the right to do and it was clear at the time, but a lot of effort was spent trying to arrange financing for two teams, and in the end the government financed it.

Not every formula works for every situation. I mentioned the Quito airport. If I can take a moment on this, Mr. Chairman—I'm just trying to think outside the box. That was a very interesting procurement process. It was something they called a Swiss challenge. Basically, they invited teams to put in their qualifications and their concepts for the development of a new airport in Ecuador—no financials at all; so almost a beauty contest. They then picked the team that they thought had the best concept and the best qualifications to deliver. Then they had to put in a financial package as a separate bid, knowing full well that once the financial package was received, they would then go out and take competitions from other proponents with financial packages.

It was a two-stage process, but once their bid was in, that was it. Then other people could knock them off that position. And that's what happened. The team, which was led by Aecon and a Brazilian contractor, put in their proposal with us and put in their financials, and it ended up that no one could come up with a better proposal—so just different ways of doing things that should be considered, I think.

Mr. Jim McDonell: In that case, the money was made over time to pay for the project? They weren't financed by the government down there, they were financed as a package?

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Mr. Bruce Bodden: I'm sorry?

Mr. Jim McDonell: Financing for that project: How was that done?

Mr. Bruce Bodden: It was privately financed. The Canadian Commercial Corp., CCC, ultimately became the contracting government-to-government agency guaranteeing it, but the funding was private funding.

Mr. Jim McDonell: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Mr. Pettapiece? You're finished?

Mr. Gates.

Mr. Wayne Gates: Good morning, James. How are you?

Infrastructure Ontario employs many people who used to work in the private sector. There is a risk that some of

these people might be asked to evaluate bids by the same companies they used to work for. The Auditor General found that Infrastructure Ontario conflict-of-interest guidelines were not being followed and that declaration of conflict of interest was missing on several projects.

How often will you have to declare a conflict of interest because you are being asked to vote on decisions that could affect the profits of a company that you used to be president and CEO of?

Mr. Bruce Bodden: First of all, my name is Bruce, and I know it's confusing—

Mr. Wayne Gates: Oh, I'm sorry.

Mr. Bruce Bodden: It's my parents' fault.

Mr. Wayne Gates: I apologize for that.

Mr. Bruce Bodden: No, no, don't apologize. I always feel like I'm at an airport when I'm called James.

In my own case, I can be very categorical about that. I have no association with MMM at all. I don't own a single share in the company. I've been out of the company for almost two years. I can't think of an occasion when I'll have to declare a conflict of interest. I have no involvement with it at all.

Mr. Wayne Gates: That's surprising to me, but that's fair.

Let me read from the value-for-money report prepared for the 407 East project, phase 1: "Infrastructure Ontario retained Altus Group to develop a template for assessing the project risks (later amended and endorsed by MMM Group) that the public sector relinquishes under AFP compared to the traditional approach." This is important: The Auditor General was severely critical of Infrastructure Ontario for assessing project risk, revealing that there was no evidence that it was worth paying an extra \$8 billion to produce projects by P3.

Do you agree that Ontario should have factual evidence to justify paying an extra \$8 billion for public-private partnerships?

Mr. Bruce Bodden: I do. I know there are some recommendations that came out of the Auditor General on tracking and trying to better quantify what the actual risk is and the cost of that risk. The \$8 billion is a shocking number. I read it in the paper like everybody else and thought, "Can this be true?"

I think it's very difficult to accurately determine what the cost of doing projects is, one way or another. I look at the 407, with a 35-year time frame to completion done traditionally, delivered in three years using an alternative financing and procurement model. It's difficult to know that all the costs have actually been assessed. Is the rent of government facilities included in the analysis? I just don't know the answer to that.

The point is that the secret of AFPs is all about risk transfer, but I think it's a mistake to think you should transfer 100% of the risk to one side or the other. In the traditional way, one might say, "Most of the risk rests with the owner or the government." In P3s, you try to put most of that risk over onto the contractor and a concessionaire. But if you put all of the risk over there, then I think you'll pay a premium for that.

It's all about risk sharing as opposed to risk transfer, I think.

Mr. Wayne Gates: Just a question: By your response, are you questioning the Auditor General saying it was an extra \$8 billion or are you agreeing with the report?

Ms. Daiene Vernile: A point of order, Chair.

The Chair (Mr. John Fraser): Just a second. Yes, Ms. Vernile. A point of order?

Ms. Daiene Vernile: Vernile.

The Chair (Mr. John Fraser): Vernile, sorry. I know, it's the second time I've done that. My apologies. Go ahead.

Ms. Daiene Vernile: This committee is to ask this gentleman about his credentials for being on this board. There is a committee, public accounts, where you can discuss dollar issues, but I would recommend that we talk to this gentleman about his credentials and about being appointed to this board, and not talk about the AG's report.

The Chair (Mr. John Fraser): Thank you very much, Ms. Vernile. We'll move forward and continue with the questioning. Thank you very much.

Mr. Wayne Gates: I think \$8 billion is a lot of money and we could spend it a lot better.

Mr. Bas Balkissoon: He wasn't there.

Mr. Wayne Gates: He wasn't, but to her response, Infrastructure Ontario has pledged to improve the value-for-money process to make sure there is factual evidence to justify the choice of P3s over traditional public procurement. As Infrastructure Ontario tries to improve this process, how can the public be sure that there is no conflict when one of its directors used to be in charge of a company that has powerful incentives to prefer P3s over traditional public procurement?

Mr. Bruce Bodden: As I mentioned, two thirds of our business was not P3s. We worked with the public sector and the private sector and P3s. It's just another tool in the flexible ability with which to bring on projects.

It's not an Ontario trend; it's not a Canadian trend; it's a worldwide trend. Governments are trying to do what governments do best and let the private sector do what they do best. If they do it properly, then I think that there are efficiencies and I think that there are accelerated delivery results that can come out of it. But I think that the more experience the board has in dealing with P3s, the better they're able to make decisions on what level of risk should be transferred and what's an appropriate P3 and what should be appropriately delivered in a traditional way.

Mr. Wayne Gates: So are you agreeing that the P3s are going to cost more?

Mr. Bruce Bodden: No, sir, I don't agree with that.

Mr. Wayne Gates: Can I give you an example? A new hospital built in Peterborough, the same as in St. Catharines, cost \$350 million and was publicly built. The one in St. Catharines cost \$1 billion, about \$650 million more, with the P3 model. Maybe you can answer that, with your credentials.

Mr. Bruce Bodden: I can't answer that. I was not involved in either of those projects, sir, so I can't answer

that. I don't know if they were the same number of beds, the same hospital, the same facility; I don't know what the comparative is. But I know that the delivery time on the public sector is extremely long and it really can't be shortened very much because of the constrictions on the way governments work.

When the Auditor General's report came out and I read about it in the *Globe and Mail*—I wish I could remember the details. There was a letter that was sent to the editor from the CEO of a hospital—and I should be able to remember but I can't. The CEO said, briefly, "We've spent 20 years dealing with the Ministry of Health on plans to expand or replace this facility and in 20 years nothing happened. It was turned over to IO and three years later I'm now the CEO of a brand new hospital serving the public need." I think we need to recognize that there are advantages.

Mr. Wayne Gates: Yes, go ahead.

Ms. Catherine Fife: How much time?

The Chair (Mr. John Fraser): You've got about three minutes.

Ms. Catherine Fife: Thank you very much. I'm going to ask one question. Hello, James. So you are the former president and CEO of the MMM Group, right?

Mr. Bruce Bodden: Yes.

Ms. Catherine Fife: And the MMM Group is a sponsor member of the Canadian Council for Public-Private Partnerships?

Mr. Bruce Bodden: Yes.

Ms. Catherine Fife: And are you still affiliated in any way with that group?

Mr. Bruce Bodden: No.

Ms. Catherine Fife: The MMM Group joined in the failed bid for the phase 2 portion of the 407 East project. I think there was a partnership with SNC Lavalin at that point which I think they've removed, for obvious reasons.

MMM Group was consulted about the value-for-money process that Infrastructure Ontario is currently promising to improve. So your group was part of that value-for-money process and you were consulted, and I think that you actually endorsed Infrastructure Ontario's value-for-money process that the Auditor General has called into question. Do you see no reason why that may at least look like you were already biased towards P3s, as a potential member of the Infrastructure Ontario board?

Mr. Bruce Bodden: I'll say it again: I have no ongoing relationship with MMM at all. One of the things that happens in an organization when new management takes over and the old management gets out is that it gets out completely. So I am completely out of MMM and was not involved in any of the evaluation with IO on the value-for-money proposition.

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MMM, as I've said this morning, has a tremendous amount of experience in both public sector-private sector work and in P3s—perhaps better experience than any other firm around. I have benefited from some knowledge through that experience over 44 years, and that's

the experience that I hope to bring to IO—not to promote one thing blindly in favour of another, but to look at things critically and evaluate opportunities and to try to deliver value for money.

Ms. Catherine Fife: Just to clarify: If your former company or Altus Group, for instance, comes before Infrastructure Ontario and is part of the value-for-money assessments, you don't feel that you would have to declare a conflict of interest, given that you have these past long-standing relationships with those organizations and that they will be benefiting in a pecuniary manner through the contracting out of these public-private partnerships?

Mr. Bruce Bodden: Well, they may benefit. I won't benefit. So I don't see why that would be a conflict of interest. I discussed this with Bert Clark and Tony Ross when they asked me to sit on the board. I said I won't even consider this if I've got to sit on the board and declare a conflict of interest. I told them what my relationship was, which is no relationship with MMM, and they were satisfied that I wouldn't be in a conflict.

Ms. Catherine Fife: Okay. In your opening comments, you mentioned—

The Chair (Mr. John Fraser): Thank you very much, Ms. Fife.

Mr. Bodden, you may step down. Thank you for appearing this morning.

Mr. Bruce Bodden: Thank you very much.

MR. JEAN-PIERRE BOISCLAIR

Review of intended appointment, selected by official opposition party: Jean-Pierre Boisclair, intended appointee as member and chair, Champlain Local Health Integration Network.

The Chair (Mr. John Fraser): Our next intended appointee is Jean-Pierre Boisclair, nominated as member and chair of the Champlain Local Health Integration Network. Please come forward, Mr. Boisclair.

Mr. Boisclair, you can make a brief opening statement, if you wish. Each party will have 10 minutes for questions. Any time you use in your opening statement will be taken away from the government's time. We will begin questioning with the third party.

Mr. Jean-Pierre Boisclair: Thank you, Mr. Chair. It is a privilege to have this opportunity to appear before the committee to introduce myself to you and answer your questions. My comments will be brief.

Monsieur le Président, s'il y a des membres honorables qui souhaitent poser leurs questions dans leur langue maternelle, en français, je suis préparé à répondre dans leur langue maternelle.

My interest and involvement in the governance, accountability and control of governments and their agencies and non-profits goes back over three decades, when, as a much younger—and I certainly had more hair at the time—financial professional and corporate CEO from the aerospace industry, I accepted an invitation to participate in some groundbreaking work being done by

the Auditor General of Canada to look at the financial management and control practices of federal departments and crown corporations. That work resulted in significant change and led to further opportunities at the federal level, and provincially in British Columbia, to do some pioneering work in performance reporting and value-for-money auditing which, simply put, began to make an all-important and evidence-based connection between effort and cost with outcomes and impact. As common sense as that may sound, this was far from an accepted part of governance and accountability regimes back in those days. I'm talking about the late 1970s and early 1980s.

Between 1980 and 2002, as president of the Canadian Comprehensive Auditing Foundation, I was fortunate to be able to continue to work in developing practical approaches to meet the rising expectations for good governance, management and stewardship in the public sector, including its health care institutions. As chair of the Independent Review Panel on Modernization of Comptrollership in the Government of Canada, which was, in effect, a mini royal commission at the time, I again enjoyed the chance to provide a measure of leadership to advance stewardship at the federal level.

In October 2014, just a few months ago, I stepped down from a 10-year term as vice-president and CFO of the Conference Board of Canada. On the day that I was leaving, I said to my CBoC executive colleagues, "I know that I will have retired when they throw the first shovelful of dirt over my grave." So I'm not hanging up my boots but, rather, looking to a next chapter, and I am at a point in my life where I can energetically devote more time in support of the public interest.

I have greatly enjoyed the public sector board work that I've done, especially in the health care domain. For almost five years now, I've served as a director of eHealth Ontario, where I chair the finance and audit committee. I was appointed in early 2010 as part of a new board of directors to help steer a new course for the agency, which, as all of you know, was under considerable unfavourable scrutiny by both the Legislature and the public. This has been a challenging but very gratifying role in support of managing health care quality and cost to the benefit of all Ontarians. We really are making great progress—and this is not a paid commercial for eHealth Ontario, but as you will see, what it has done and the power and the value of the integration that it can bring to health care information is really quite impressive.

Similarly, a few years ago, I greatly enjoyed being board chair of the Ottawa Children's Treatment Centre—vraiment une organisation très spéciale, avec des bénéfices énormes pour des gens, les enfants et leurs parents, qui ont des défis dans la vie qui sont incroyables—a very special organization, and also as a governor of the Ottawa Hospital from 2004 to 2010, where I served on the quality and executive committees and chaired the audit committee of the hospital. It's these experiences in the health care sector, Mr. Chair and members, that have led to my interest and motivation to

serve in the capacity of chair of the Champlain Local Health Integration Network.

The mandate of LHINs with respect to local health service integration, resource allocation and co-ordination, community engagement and evaluation place them squarely at what I think is the intersection of three irresistible forces at this point in time:

(1) Ensuring the quality and excellence of care, as exemplified by the Excellent Care for All Act, 2010, and the government's priorities to keep Ontario healthy, provide faster access to family health care and provide the right care at the right time and place;

(2) Responding to the very real public sector resource constraints. It is clear to all who are involved in the health care sector that throwing money at the problems is not possible and not the answer for the future; and

(3) Adapting to change: There is seismic shift in age demographics taking place that will see seniors rising to virtually 25% or better of the population in the next 20 years, and in the case of Champlain LHIN in particular a tremendous diversity of population which enjoys the largest francophone group of all the LHINs and the inclusion of two First Nations.

I appreciate that all honourable members are aware of these imperatives. These are not blinding insights to you, but I only mention them to say that my mindset is that all organizations that are part of the health care fabric are going to need to step up their game, and I believe that effective governance can be an important part of that process of addressing those challenges.

In approaching the notion of governance for the Champlain LHIN, my thinking is very much that success in meeting those challenges is going to depend on several things.

First, setting the right direction and establishing, all the time commensurate with the government's priorities, the means and the pace by which it will accomplish the mission and, then, meeting agreed performance expectations and, above all, steering the process such that there is clarity and meaningful accountability for who should be doing what within the system—not an easy task with so many players involved.

Second, aligning capacity with need, including, most importantly, the human capital and the human capacity. The Champlain LHIN is blessed with an abundance of outstanding talent residing in the health care providers within its reach. The imperative is to harness that talent in a meaningful way to achieve the quality and integration that produces public value.

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Third, understanding and managing its risks; fourth, ensuring that the organization meets the expectations of its stakeholders for how it goes about its business in the context of both its ethics, its practices and the manner in which it controls and exercises stewardship over public funds; and last, embracing its accountability obligations—and when I say that, I mean particularly with a view towards talking about its accomplishments, its

successes and, indeed, if there are failures, failures, with evidence-based capacity around public value.

That's an important thing in all parts of the public sector that I've been associated with and it's something that I feel very, very strongly about: the ability to talk, with evidence—

The Chair (Mr. John Fraser): Mr. Boisclair, you have one minute left.

Mr. Jean-Pierre Boisclair: —about accomplishments.

For the record, Mr. Chair, I should also like to say that if appointed to serve as the Champlain board chair, I will be immediately stepping down as director of eHealth Ontario to avoid any real or perceived sense that there could be a conflict of interest. Thank you, Mr. Chair.

The Chair (Mr. John Fraser): Thank you very much, Mr. Boisclair. We'll begin questioning with the third party. Mr. Gates.

Mr. Wayne Gates: What has motivated the witness to seek this appointment?

Mr. Jean-Pierre Boisclair: A long history in the process, having served on a rehab board as its chair, having served at the Ottawa Hospital. Some of the things I've been impressed with are not only the importance of the mission of what LHINs and other health care providers can do, but also it is apparent to me that the game has to be stepped up. That's what's motivating me as a challenge, to try to take that organization forward through its governance practices to make it more effective. That's the bottom line.

Mr. Wayne Gates: You mentioned eHealth. I'm not sure that's one I'd be mentioning a lot of, but something on the eHealth file which is concerning: It was the amount of severance pay that people got. One got \$252,000. The chief executive officer got \$406,000 in severance. What's your opinion on that?

Mr. Jean-Pierre Boisclair: Mr. Chair, I'm a little uncomfortable about opening up a discussion of eHealth in this context, but I will say that those severance payments were guided by contracts that had been entered into with those employees, and so it was a question of honouring those contracts.

In the case of the CEO, the CEO's employment and their compensation is something that is endorsed by the government.

Mr. Wayne Gates: I can appreciate that, and I can appreciate the fact that you're uncomfortable, but from somebody who goes to work every day, for four years' service, \$406,000 just seemed like a lot of money to me. I might not be correct on that, but it just sounds—the Champlain LHIN: What are some of its real challenges?

Mr. Jean-Pierre Boisclair: Not dissimilar from a lot of the other LHINs, I think one of the big challenges that it's facing is around family care and access to family care, timeliness—managing transitions: Again, I don't think Champlain is unique in that regard, but as patients move from one phase of the system to another, be it through an acute care facility on to a long-term-care facility or, unfortunately, if necessary, into palliative

care; or as people move from one specialist to the other and pre-op and post-op and the whole thing, it's managing those transitions and the impact of what happens when things fall between the cracks at those points of transition, and, to look at it in a more positive way, the positive impact of being able to manage those transitions well, both in the sense of quality of care and in the sense of money; for example, avoiding readmissions to hospitals after you've been discharged and avoiding the need for testing and retesting people.

I must say that having timely, integrated health care information at the patient level is a huge part of that management process, but managing those transitions is, I think, right now a huge part of this and becoming a bigger part as the population ages and as a lot of the health care that you see starts to focus on dealing with chronic conditions and not necessarily acute conditions. That, I think, is a big challenge.

I think obviously wait times are an issue. Some of the wait times in the Champlain LHIN are comparable to other LHINs, but I don't think we should take solace from that. I think the question is: What can we do to reduce those wait times, particularly for people who are in pain or who, if having to wait long, deteriorate further? I think those are some of the big challenges.

I think another of the big challenges is, as I've said before, to be able to talk about the public benefit in an evidence-based way.

Mr. Wayne Gates: The Champlain CCAC—I don't know if you're familiar with this—has over 2,200 individuals who are on personal support wait-lists. That's a long wait-list. How would you try to reduce that time?

Mr. Jean-Pierre Boisclair: I think part of it is back to what I was saying before about managing transitions.

Mr. Wayne Gates: That's not working.

Mr. Jean-Pierre Boisclair: Pardon me?

Mr. Wayne Gates: That's not working, obviously.

Mr. Jean-Pierre Boisclair: You know, I think the challenges are there not just for Champlain but right across the province and indeed the country. So that's a part of it. I think other issues around the availability of community care and long-term-care facilities—it all plays into it. I don't think there's a simple answer, to be honest with you.

The Chair (Mr. John Fraser): Ms. Fife?

Ms. Catherine Fife: I liked how you described the three irresistible forces of health care and how those three ideas—you referenced, of course, real time and real health. That's an ongoing challenge. You mentioned financial constraints and doing business differently, if you will.

The reality is that LHINs have experienced underfunding in key areas, and that's contributing to those long wait times and to those breaks in transitions. So, in facing funding shortfalls—every LHIN in the province is seeing it—how do you want to do health care differently as the chair of the Champlain LHIN?

Mr. Jean-Pierre Boisclair: My view of the world—it's not just as chair but it would be the entire board and

the management team of the LHIN—is to be very disciplined and very rigorous about making decisions on where to invest the money to get the most impact against that problem. I know that sounds vague and a bit general, but I think when you're facing a shortage, it requires a different rigour and a different focus in making decisions about how to approach things. I think also, to be honest with you, innovation is going to play into this as well.

Ms. Catherine Fife: And you did mention governance as well. I was happy that you mentioned governance, because every LHIN across the province has faced different governance challenges. The CCACs are a major part of that as well. So can you speak to the tension that has emerged across the province between CCACs and the governance and the management of the LHIN?

0950

Mr. Jean-Pierre Boisclair: I don't want to answer your question if I'm not possessed of the facts. And I really don't know, from a personal point of view, what may have caused tension between the CCACs and the LHINs or indeed what might be driving tension between other players in the health care system.

One thing I will say is this—which I've learned over a number of years being involved in the health care sector: People are highly motivated in that sector to establish their boundaries and defend them zealously, and the notion in my mind behind the LHIN is to embrace, reach out and integrate. I think that how the various providers in the system are embraced in that has a lot to do with it—if it's threatening or not threatening.

Ms. Catherine Fife: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Fife.

Now the government. You have 47 seconds. Ms. Vernile?

Ms. Daiene Vernile: We want to thank you, first of all, for stepping forward, and for being committed to public service as you have.

Do you feel that there is anything in particular that is a goal for you, should you get this position?

Mr. Jean-Pierre Boisclair: That is a—

Ms. Daiene Vernile: A goal. What do you wish to achieve?

Mr. Jean-Pierre Boisclair: I would very much like to—but on an evidence base—be able to look at this thing and say that the Champlain LHIN is viewed as being top of the pack in succeeding in the goals of integration, efficient use of the resources and above all, has promoted a very high standard of excellence for health care for the citizens. So I would like—

The Chair (Mr. John Fraser): Thank you very much, Mr. Boisclair.

Mr. Jean-Pierre Boisclair: It sounds a bit self-serving, but at the end of the day that will produce benefit for the residents of the LHIN.

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: Thank you for appearing today.

I guess I share some of the concerns. I know that in eHealth, the question from the third party—some of the severances were contractual, but I wonder about a situa-

tion where people are basically let go for not being able to function properly in the job and they get huge severances. I guess that's where the public comes from: They have a hard time comprehending how people can be rewarded when actually they were kind of marched out the door. I know that that's not something within your control, but it is within control when the contracts are set up, and I think that's an issue.

In our area, over my short term in the Champlain area, our biggest issue is health care. We have people who come in looking for doctors. We had one just in the last three months where we spent—they were on a waiting list; they were told they'd be waiting more than six months if they were lucky. We finally got a doctor as I called in a favour of a doctor I knew who agreed to take him on. But they wouldn't normally do that. Yet, when we try to hire doctors, we're not considered a high-need area. I just can't see that. When you look at the recent budget hearings, Cornwall is ranked as having the highest number of high-needs patients in the Champlain region and the second-highest rate of emergency department patients reporting that they do not have access to a family physician or primary-care operator. And yet we can't hire new doctors.

We have a study that shows we have 12 doctors retiring in the next 12 years—I'm sorry; in the next two years. It just doesn't make sense.

Mr. Jean-Pierre Boisclair: You've stated the problem anecdotally in a very forceful way. Access to family health care is, I think, one of the top issues. Certainly, the work with health links, with family health teams and so on will help alleviate that.

The question that I'm looking forward to exploring is, what more can we do to attract physicians?

Mr. Jim McDonell: Well, it's funding. We have doctors who want to work here and can't get salaried because the ministry won't allow that to happen. They tell them to go to the LHINs. The LHIN says they don't have the authority to authorize more doctors. It's like a deliberate circle here, a revolving door, where the province—I mean, I see the view that the LHIN is set up strictly to deliver bad news. Certainly, if there are any funding announcements, there are big cheques around and the government is there, but as soon as it comes to bad news—or making things very difficult.

The city of Cornwall sponsored a doctor who will be graduating this year, and she won't be able to work in the area, even though we have this shortage of doctors, because they can't get approval. She's likely going to have to leave the province.

When I hear the government say there's a shortage of doctors—there's not a shortage of doctors. There's a shortage of funding for doctors, and the government is turned around.

Anyway, I certainly look forward to working with you. I know that the LHIN is doing their best, but they should be pointing out the shortfalls of this government and where the problem really lies, instead of sitting there and taking the bullets to the chest, which is what they're doing.

The other issue is the same thing with the CCAC. We have people coming in who cannot find a place, a long-term-care bed. We have an Auditor General's report that said we were the worst in the province for wait times, and yet the LHIN says we're above, or we exceed, the number of beds that we need, and they have no plans to build any beds, even though we're looking at the seniors' population increasing by another 30% over 10 years. It just doesn't add up: no plans for new beds.

We have patients—and I know it's in the same LHIN—going to Bourget, which is a two-hour drive from Cornwall—it doesn't make sense—because there are no beds in the area. It's a common problem. If they would just acknowledge it—but they won't. They come back and tell us we have an excess of beds. The question is, where are they?

Mr. Jean-Pierre Boisclair: You've touched on a huge issue. For those people who have to face that reality for themselves, it is very difficult. I think the availability of community care and, when necessary, also long-term care and, ultimately, palliative care, are top-of-the-line issues to be considered.

Mr. Jim McDonell: I see also in our LHIN, but not in my riding, that we have the Beth Donovan Hospice being planned in Kemptville for many years. Hospices are looked upon as a more efficient way of delivering palliative care. They are a money-saver, but the province won't invest in them. They've been waiting many years for approval to move in. I see, even in the city of Ottawa, the same issue.

If you're looking at transforming health in this province, it comes down to—if you're going to look at the more efficient ways of doing it, then you've got to actually act on those, or you're always looking at the high costs—

Mr. Jean-Pierre Boisclair: Oh, absolutely, and that goes down to the heart of the ALS problem: people who get stuck in acute care facilities when in fact they should be somewhere else. When you think about the cost of treating somebody in an acute care facility for what is, in effect, a palliative situation, it's pretty significant.

Mr. Jim McDonell: Yes. One of the other—I just lost my train of thought here—oh, the Winchester hospital. I know that where I reside is about an hour and a half from Winchester. We have a lot of patients—neighbours of mine—who actually travel there.

This year, they're facing a \$3-million cut in funding. They're one of the more efficient—I guess they are the most efficient hospital in the Champlain LHIN. Their cost of service is one of the lowest. They've been taking on chemotherapy; they're going to have to cut that service.

Again, if you have a hospital—for our area now, that means driving into Ottawa for chemotherapy. For people, that's a two-hour drive, with parking and all the other issues. You've got a hospital that's more efficient and can do the service cheaper. They're not actually cancelling the service, but they're cancelling the funding, so you're forced into the hospital. Last year they closed 22% of their beds to try to absorb the cuts, and this is the

next cut. Where are we going with this? We're looking at an above-average seniors' population in our region. Our demands are growing, yet this is the type of response we're getting.

The frustrating part is that everybody is sworn to secrecy. They're afraid to say anything. You talk to them privately because they were warned that, if anything negative comes out in the press, next year's budget could be worse. We see this all over the place. It's frustrating when you've got people coming in who can't get service and this is what you're seeing from this government. For a government that's promising all this extra funding—I've been talking to the local doctors' association; this year, they're getting a 1.25% increase in funding for services, and demand is up over 2.7% by LHIN numbers. That means a cut in health care by over 1%. It just doesn't add up. They tell people that, but the formulas are so complicated. They give the impression that things are working well, but they just aren't.

Mr. Jean-Pierre Boisclair: You have given me some very significant food for thought as I go into this. You've added to what would keep me awake at night.

Mr. Jim McDonell: One last thing—

The Chair (Mr. John Fraser): You've got about a minute.

Mr. Jim McDonell: One minute? One last example. One of the organizations came to me concerning an issue they had with funding. On August 31, they hadn't received any funding or any money since March 31, the end of the fiscal year. They were within a day of layoff notices. When I went to the minister, first of all she denied it, and I said, "That may be, but tomorrow it's in the paper." Before question period was over, they had the cheque, but how could an organization go six months without receiving it, on an approved budget? That's just mismanagement. I can't believe that could happen. But boy, when it was going to become public, they resolved it. We kind of swore ourselves to secrecy, so that wouldn't—but how do you run a health care system like that? Me, I'd be embarrassed, although the deniability was fixed within an hour. Six months without a cheque. It was like, "The cheque's in the mail" for three months. That's our health care system. It just makes you wonder. I wish you good luck. I know it's not an easy job.

The Chair (Mr. John Fraser): Thank you very much, Mr. Boisclair. You can step down. Thank you very much for being here.

We'll now consider the concurrences. I'd like to consider the concurrence for James Bruce Bodden, nominated as member, Ontario Infrastructure and Lands Corp. Could someone please move the concurrence?

Mr. Bas Balkissoon: So moved.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? Thank you very much. The motion is carried. Congratulations, Mr. Bodden.

I'd like to consider concurrence now for Jean-Pierre Boisclair, nominated as member and chair of the Champlain Local Health Integration Network. Could someone move this concurrence, please? Mr. Balkissoon?

Mr. Bas Balkissoon: Yes.

The Chair (Mr. John Fraser): Any discussion? All those in favour? All those opposed? The motion is carried. Congratulations, Mr. Boisclair.

Just before we adjourn, I'd like to remind everybody that next Wednesday, March 4, for those people who are in the pilot project for iPads, there will be a meeting in room 230. Shara is right there if you have any—I just mention it today so that, if people have issues that they want to discuss, they get prepared for that meeting.

Is there any further business?

Mr. Jim McDonell: I just have a quick question.

The Chair (Mr. John Fraser): Mr. McDonell?

Mr. Jim McDonell: If somebody is having issues with it, who's their contact?

The Chair (Mr. John Fraser): Shara is right there.

Mr. Jim McDonell: Okay. Thanks.

The Chair (Mr. John Fraser): Thank you very much. Okay. The meeting is adjourned.

The committee adjourned at 1004.

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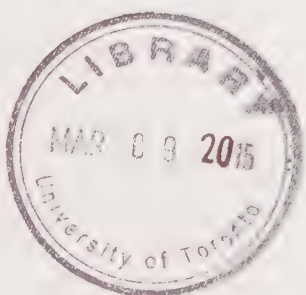
Mardi 3 mars 2015

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 3 March 2015

Mardi 3 mars 2015

The committee met at 0900 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. John Fraser): I call the meeting to order. Good morning. Our first order of business this morning, before we begin our intended appointments review, is to consider the subcommittee report dated February 26, 2015. Would someone please move adoption of the report? Mr. Gates.

Mr. Wayne Gates: I move the adoption of the subcommittee report on intended appointments dated Thursday, February 26, 2015.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Any discussion? All in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MS. ERICA PHIPPS

Review of intended appointment, selected by official opposition party: Erica Phipps, intended appointee as member, Pesticides Advisory Committee.

The Chair (Mr. John Fraser): We'll move on to the intended appointments review. We have one appointee this morning. That intended appointee is Erica Phipps, nominated as member of the Pesticides Advisory Committee. Ms. Phipps, can you move forward? Thank you very much for being here this morning.

Ms. Erica Phipps: Thank you.

The Chair (Mr. John Fraser): You may begin with a brief statement. Following that, members of each party will have 10 minutes to ask you questions. Any time that you use for your statement will be taken from the government's time, and the questioning will begin with the government.

Thank you very much. Ms. Phipps, you can begin.

Ms. Erica Phipps: Thank you. Good morning, distinguished members of the committee, Mr. Chairman. It's my pleasure to have this opportunity to present my candidacy for the Pesticides Advisory Committee.

I'd like to start by sharing some of my experiences that I believe to be of relevance to this important work; specifically, my background and expertise in environmental health, as well as my experience working with diverse sectors and disciplines on the often complex issues that lie at the interface of health, environment, and

the sound management of chemicals, including pesticides.

I received my master's of public health in the United States, my country of origin, in 1994, and have been working on toxics and human health issues ever since. I've worked in the Office of Pollution Prevention and Toxics at the US Environmental Protection Agency and for four years at the United Nations in Geneva, where I worked with developing countries to assist them in building their capacity to manage chemicals and pesticides.

From the UN I moved to Montreal, where I worked for four years with the North American Commission for Environmental Cooperation. It was there at the CEC that I began my work on children's environmental health, work that continues in my current role as executive director of the Canadian Partnership for Children's Health and Environment, or CPCHE. CPCHE is a collaboration of public health, medical, legal and child-focused organizations that came together more than a decade ago to advance children's environmental health protection in Canada.

Drawing upon my public health training and professional experience, I believe I could contribute to the diversity and effectiveness of the Pesticides Advisory Committee in particular by ensuring explicit consideration of the unique vulnerabilities and exposure patterns of infants and children when it comes to pest control products.

Through my work, I routinely interact with front-line service providers, child care workers, health professionals and others who interact with families on a day-to-day basis. I am well familiar with the ways in which parents and other members of the public respond to environmental health issues, including pest management and the use of pesticides, and the complex trade-offs that sometimes exist.

I would also bring to the committee my dedication to fostering meaningful dialogue among diverse stakeholders in pursuit of solutions that consider all perspectives and ultimately serve the best interests of citizens and communities.

In my various professional capacities, I've had the opportunity to convene and facilitate numerous multi-stakeholder processes, from my role in working with the three North American governments alongside public interests and private sector stakeholders to chart a continent-wide co-operative agenda on children's en-

vironmental health, to my current role in managing a multidisciplinary partnership of scientific experts, policy professionals and front-line staff.

On a more personal note, I grew up in a family with a strong farming tradition on my mother's side, and my husband, children and I spend as much time as we can at our hobby farm in a largely agricultural and economically depressed region of rural Quebec, where my husband owns and runs a small business. I have an appreciation for the pressures that exist for today's agricultural producers and the local communities they sustain.

I have expertise serving on expert committees, including in my ongoing role as a member of the Canadian Committee on Indoor Air Quality and Buildings, hosted by the National Research Council. My knowledge is qualitatively different from that of the mostly building managers and engineers on that committee, yet I feel that my ability to bring a child- and family-focused human health perspective to the committee's deliberations is valued and appreciated by my colleagues around the table.

In summary, I believe I could contribute to the diversity of viewpoints and breadth of expertise within the Pesticides Advisory Committee, and would welcome the opportunity to serve the people of Ontario in this capacity.

I'd be happy to answer any questions you may have.

The Chair (Mr. John Fraser): Thank you very much, Ms. Phipps.

From the government side: Madame Lalonde. You have about six minutes.

Mrs. Marie-France Lalonde: First of all, I would like to say thank you for putting your name forward. It's a very impressive resumé. It's nice to hear you talking about the well-being of our children. Certainly, from my personal background, it's music to my ears. So thank you for all the hard work; you're helping.

From our perspective, I would feel very confident at this point to say that we are supportive, and we feel very strongly that you're a perfect candidate for this role. I thank you for putting your name forward, actually. Thank you again.

Ms. Erica Phipps: You're very welcome. Thank you.

The Chair (Mr. John Fraser): The official opposition: Mr. McDonnell?

Mr. Jim McDonnell: Thank you, and welcome today. You have a strong health background, which is good. I'm from an agricultural community, and I know all the work they've done and how far they've come, especially with pesticides, from where they were 30, 40 years ago and from what I see my brothers doing today.

A lot of it is around best practices. You come from something that may lend some knowledge: Do you see any best practices in your line of work that have made a difference as far as working with children and that you could bring across to this side of the ledger?

Ms. Erica Phipps: Best practices specifically related to pesticides management in agriculture, for example?

Mr. Jim McDonnell: Yes.

Ms. Erica Phipps: Certainly, I would agree that a lot of progress has been made, in large part due to the role of

growers and others, to try to improve. I think that there is widespread public understanding that reducing the amount of chemicals that go into our environment and into the food system is advantageous for many reasons, including an oftentimes economic reason, particularly as we see increasing public interest in the issue of pesticides and other chemicals.

We work a lot with chemicals other than pesticides in the work that we do. There is increasing concern among the public about chemicals that may be in household products, for example. So I think public awareness, and the support of the public to help drive the economic incentives and encourage best practices, is an important part of the solution—so, open dialogue and transparency, and also, I think, not so much drawing from our work but making sure that the appropriate supports, incentives and information are available to support those best practices.

A lot of us would have good intentions, but maybe the systems aren't there to support those good intentions, so I see a role for government and others in that regard.

Mr. Jim McDonnell: I always believe that it's important to use the science. I know that a number of years ago, there was a ban put on many pesticides, other than in agricultural use, and yet the biggest problem was with the uninformed and uneducated user at the time. So instead of, say, requiring it to be licensed, as it is in agriculture, they just banned them outright, and it has caused a lot of issues.

I know, coming from the municipal side, we had a lot of weed issues along the roadsides, and there was a lot of opposition. But on the public health side, some of these weeds were not only bad for agriculture, in the fact that they spread across, but they were actually dangerous, like poison parsnip and poison oak, and were not easily handled. They were almost impossible to handle, other than with pesticides, which were very successful. But we ran into substantial opposition, except from anybody who actually came in contact with this and had had an experience with it and knew just how bad it was—much, much worse than poison ivy.

0910

Any thoughts on just how the education of the public—and actually, some of these things that are viable alternatives to letting these things grow and exist in public roadways, where they can be a danger for anybody who happens to be there, even emergency workers?

Ms. Erica Phipps: I guess a couple of things. I, too, believe that we need to always look at the science when we're making informed decisions about any topic related to chemicals or pesticides; but part of that science is also on the social sciences side, to understand use patterns. We heard just yesterday about a tragic experience in Fort McMurray, where a mother did not understand the risk of a pesticide product that was produced in another country and lost her child. I think understanding the use patterns and the misuse patterns is an important input into sound decision-making on these issues.

At the same time, I also think that we need to think as broadly as possible if we're trying to address an issue such as unwanted weeds—whether there are other best

management practices that can help support eradication, physical methods in addition to the last-resort use of chemical methods, particularly if it's in public spaces where children may happen upon those substances.

Of course, the trade-off there is happening upon the poison oak or other noxious plant, but I think that there are a number of tools to be used to help solve a problem like that. In the tool box for sure would be pest control products as needed, but also looking at that broader range of tools and making sure that we use the least-risk options first.

Mr. Jim McDonell: I don't disagree. I think the biggest problem they had was with the users themselves, and I didn't disagree with the banning of personal use. But certainly the education, that they are a benefit, and allowing homeowners to use licensed people who are trained in it—I think the biggest problem we had with pesticides was not from bad use of them, but it was actually ingestion, people putting them in containers. They're just a chemical that's not great to have around. If you don't know how to use them, it's even worse.

Along with this, there was a lot of opposition. I know we tried mechanical means. On the roadway with ditches and rough terrain, it's very difficult. I know I myself came in contact—and I've seen people come in contact with these weeds. You're taking a month-plus to get rid of the rashes. I think it's poison oak that can actually cause blindness. They're fairly significant, and they have been caused, really, by trying to eradicate the weeds with mechanical means, because these weeds generally are held back by the local grasses. Of course, when you cut the roadsides for visibility into the season, they jump up above the grass and then they take over the territory. That's really what seems to have caused this issue since we've started getting into higher standards on our roads. It's a significant issue.

It really comes back to public knowledge of what these chemicals should be used for, that they are safe and there is a place for them.

We see the same thing now with some of the products used on the agricultural side as far as the bee population and the effect. The science doesn't seem to support it, but we seem to be jumping ahead of ourselves to where nobody else is, at least in North America. Again, it's a matter of being competitive.

Also, if science is showing a need, then using that science to make an educated guess versus going out in left field and trying something that really is not supported—I mean, everybody has been very much aware of the bee issue. Your thoughts on that?

Ms. Erica Phipps: Sure. Maybe I have a slightly different perspective on where we are with the science. Because of my work with infants and children, including pregnant women, and the very vulnerable developmental stages that exist in the womb, I tend to have a more precautionary stance. I'm not an expert in the pollinator and bee health issues, but I'm certainly well versed, at least, in the information that's in wide circulation.

My sense is that there is enough science to warrant some action to halt what seems to be a widespread

systemic effect that's occurring. Even PMRA has said that continued use per current practice is not sustainable, so I actually think that the government—Ontario is taking sort of a leadership stance that is welcomed. There's a lot of public support for taking action to protect the bees. I think the public is aware of the issue and can appreciate the very important and irreplaceable role of pollinators in our food security.

I think that pest control products and agricultural chemicals have been used to sustain food security when we have evidence—and I think we have sufficient evidence—to suggest that those products are in fact detracting from food security and sustainability over the longer term. I do think it's worthwhile looking at some steps before waiting too long for the results of those actions to become very hard to reverse. There are precedents in other jurisdictions—in Europe, for example—where the governments there have also responded to that science, to say that we need to take some actions. Even if not every answer is available, I think we know enough that some action is needed.

The Chair (Mr. John Fraser): You have about 20 seconds.

Mr. Jim McDonell: Okay. I might disagree on the science. I think the science shows some best practices being put in place that would limit the exposure, but certainly I don't think that the science is—I think it's been used to change public opinion, but if you look at the evidence base, I don't think it's there yet. It's moving towards it. The reason for what's actually happening is certainly up for discussion. I don't think—

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Mr. Gates?

Mr. Wayne Gates: Hi. How are you?

Ms. Erica Phipps: Great, thanks.

Mr. Wayne Gates: Thanks for putting your name forward. I took a look at your resumé; it is very impressive, and it's always nice to have somebody working hard to take care of our children and our future, so congratulations on that.

I'd just like to continue on about honeybee health and insecticides, because in Niagara we have a very big bee population, and it is disappearing. You said that in Europe they've come across where they've taken some action. Maybe you could just explain that action to me. I'm going to do a little talk on honeybees this afternoon, so it would be nice if I could include something that you told me right in my speech. I think that would be good. I can say, "I learned that this morning." It would be great. Go ahead.

Ms. Erica Phipps: I'm by no means an expert on legislative action on this issue. I think there are probably others in the room who are more well versed, but it is my understanding that the European Union has put a temporary restriction on neonics. I don't know the details about whether it's just seed treatments or more generally, but I think that it's similar to what's being proposed here in Ontario. They're reacting to the bee die-offs and the link with the use of these chemicals.

From the reading that I've done, which is not extensive—I expect to have an opportunity to do a bit more immersion in this topic—it sounds to me as if it's also not clear whether the seed treatments that seem to be an issue here are actually significantly increasing the yields.

Going back to best management practices, whether those seed treatments are just being offered as a sort of proactive remedy to a problem that may or may not exist in any particular plot of agricultural land reminds me of the antibacterial issues. We're overusing antibiotic drugs, and we're ending up causing a significant problem for ourselves around the globe by increasing the resistance of microbes. I think the same could be said here: that we need to very judiciously look at, at what point, and for what specific purposes, we want to use these toxic substances to control a problem. If the problem doesn't exist, let's not use them.

Mr. Wayne Gates: The other part that I liked in your answer as well is that you talked a little bit about food security. I've spent a fair amount of time saying that if we can't feed ourselves, we're going to be in trouble. I don't know if you agree with that or not. Maybe you could enlighten on what you meant by food security, because it's a huge issue here in this country.

Ms. Erica Phipps: Yes. I think that certainly, with one in five families living in poverty, there are a lot of very serious food security issues. We are a prosperous nation, and I think that we could probably be doing better at feeding our children healthful foods that are grown locally in particular.

Part of that, of course, is making sure that the natural environments—our food comes from Mother Earth, so we need to take care to make sure that those ecological systems, which are vastly complex, are not disturbed inadvertently by our actions to try to use nature to the extent that we can, to make sure that the food security isn't just good today and tomorrow but over the decades, really having a longer-term perspective on our soils and the ecosystems etc., that are important for food production, including the bees.

0920

Mr. Wayne Gates: I like a few of your answers; I could probably talk to you a lot longer.

Ms. Erica Phipps: I'd be happy to.

Mr. Wayne Gates: On the poverty issue, you're right on the money. In a province and a country as rich as we are, nobody should go to bed hungry. We should be making sure that we use all the resources we have to feed our own. I think the opportunity is certainly out there to do that. I'm glad you raised the fact that it's unacceptable to have children and families go to bed hungry at night. I'm glad you mentioned that.

With your workload in your full-time job, are you going to have any scheduling or workload difficulties?

Ms. Erica Phipps: If I'm allowed to make a joke—I always have workload issues.

Mr. Wayne Gates: And you're a mother, and you've got all the other stuff that's going on.

Ms. Erica Phipps: No. I mean, my work with CPCHE is very flexible, and they are accommodating of my

participation in this committee, so it's not an issue. It is added work, but I'm prepared to take that on, because I think the issue is very important.

Mr. Wayne Gates: So you have an understanding partner as well at home, so that's good.

Ms. Erica Phipps: I do.

Mr. Wayne Gates: Okay. I'm going to read this one, because I think it's important—even though a lot of us like to do this: There is currently no requirement to monitor the level of contaminants in the surface or ground-water running off golf courses—the properties. Do you believe it should be required for class 9 pesticide users to demonstrate that they are meeting the PWQOs by requiring regular independent testing during periods of high runoff in the spring, summer and fall?

Ms. Erica Phipps: Not being too well versed, my general response is yes, if we are applying significant amounts of pesticides to golf courses, which are often located near neighbourhoods, we should be aware and knowledgeable about what runoff may exist, what drift etc.

Specific regulations: I'm not really prepared to speak to that, but I would say that certainly we should know whether there is over-the-fenceline exposure potential for ecosystems or for kids and families.

Mr. Wayne Gates: Yes, golf courses are allowed to do a lot of things that a lot of other properties aren't. It might be something that we should take a look at, including the reporting, where they get almost 18 to 24 months for the reports to even come out.

The last question that I have: Some class 9 pesticides are used, despite there being no ministry-certified laboratories willing or able to test for these pesticides. Do you feel that they should be tested before they are used by governments?

Ms. Erica Phipps: The laboratories aren't able to—they don't have the technology to test—

Mr. Wayne Gates: They may have the technology, but because of probably the dangers, they don't want to test them. So before they're approved and used by the government—do you think they should be okayed by the government before they're used?

Ms. Erica Phipps: That would seem logical. Yes.

Mr. Wayne Gates: Okay. Because there are examples of that not being done.

Ms. Erica Phipps: I wasn't aware of that. Certainly, I think the expectation, and the public expectation, would be that things are tested before they're put into use.

Mr. Wayne Gates: I'd give you the name of the two, but they're taller than I am in length. But I will show them to you.

Ms. Erica Phipps: Okay. Thank you.

Mr. Wayne Gates: Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Mr. Wayne Gates: It was a pleasure talking to you.

Ms. Erica Phipps: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Phipps, for being here this morning.

Ms. Erica Phipps: My pleasure.

The Chair (Mr. John Fraser): You may stand down. Thank you very much.

We'll move on. We'll now consider the concurrence for Erica Phipps, nominated as a member of the Pesticides Advisory Committee.

Can I have someone move the motion, please? Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Erica Phipps, nominated as member of the Pesticides Advisory Committee.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Any discussion?

Okay. All those in favour? Opposed? The motion is carried.

Congratulations, Ms. Phipps. Thank you very much for being here this morning.

Interjections.

The Chair (Mr. John Fraser): No further discussion? The meeting is adjourned.

The committee adjourned at 0925.

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Tuesday 10 March 2015

Journal des débats (Hansard)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 10 March 2015

Mardi 10 mars 2015

The committee met at 0900 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. John Fraser): I call the meeting to order. Good morning, everybody. It's good to see you.

Our first order of business is the subcommittee report. Can I have a motion to move it? Mr. Gates.

Mr. Wayne Gates: I move the adoption of the subcommittee report on intended appointments dated Thursday, March 5.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Any discussion?

All those in favour? All those opposed? The motion's carried.

INTENDED APPOINTMENTS

MR. WILLIAM APTED

Review of intended appointment, selected by third party: William Apted, intended appointee as member, Ontario Review Board.

The Chair (Mr. John Fraser): Our second order of business is for the intended appointments review of William R. Apted, nominated as member of the Ontario Review Board.

Mr. Apted, can you please come forward and have a seat right here. Thank you for being here this morning, Mr. Apted. You may make a brief opening statement and then questions will move around, starting from the official opposition. Any time that you use for your statement will be taken from the government's time. Please proceed.

Mr. William Apted: Good. Thank you, Mr. Chairman, and good morning. This will be very brief. I think everyone understands that the Ontario Review Board has a very important function under the Criminal Code; that is, to adjudicate and dispose of those accused who were found by a court to be either unfit to stand trial or to be criminally not responsible.

What's the background that I would have to do that? If you had a chance to read my resumé, I was a corporate executive, heading up a very diverse business, a manufacturing business on three continents, 25,000 employees. Many decisions had to be taken in that order of a job. I think the key factor in this particular position is being able to adjudicate, read the case, understand the case,

listen to all representations and make valid judgments. I think my background has enabled me to be able to do that.

Why do I want the job? Well, I have two reasons. (1) I think it would be fascinating. (2) I think I would be good at it, from my background that I just said. Lastly, I see it as an opportunity to contribute something back to Ontario. That's my statement.

The Chair (Mr. John Fraser): Thank you very much, Mr. Apted. The questions will begin with the official opposition. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. I see you have a long corporate career where you've been involved with—

Mr. William Apted: Can you speak just a little louder? I'm having trouble hearing you.

Mr. Jim McDonell: Okay. I see you have a long corporate career. You've seen, I guess, all parts of the personnel file. Maybe just elaborate on some of that and some of the issues you've seen, and what you see your role on this board would be.

Mr. William Apted: Well, my role on the board, as you know, is the public member. As a public member, I think what I would have to bring to the panel that adjudicates these cases is, as I said, good judgment and impartiality.

My background has been one where my last assignment was living in Paris, France. We had 25,000 employees, 125 plants. Every day there were many decisions that were very unclear as to which way they would possibly have to go. So it's a matter of weighing up all the factors, taking a jaundiced view of everything, being impartial and then, ultimately, making a decision. Because you're a member of a panel, in this case at the Ontario Review Board, you have to be a team player, I think. Certainly in the corporate world you need to be a team player to get things done. I think those are the big factors.

Mr. Jim McDonell: I guess part of the review process is just making sure that all the factors are considered and the case made and a decision made. Have you been involved with the board as far as decisions being made? Are decisions taking a long time or are they generally quick decisions?

Mr. William Apted: Have I had—

Mr. Jim McDonell: Have you had any experience with the board at all in the past?

Mr. William Apted: I've had no actual hands-on experience with the board. I was a long-time friend of Justice Carruthers, who was the former chair of the Ontario Review Board. Many times I've talked with Doug about what the board does, the role the board has and the responsibilities the board has. So I certainly understand it from that point of view.

I also understand that the board, for all new members, has orientation and training sessions that they do to bring people up to speed. In terms of mental health issues—there's a joke in there somewhere, but with 25,000 employees that we had across Europe in 35 different countries, I can't say that we had mental health issues, but we certainly had a lot of difficult personnel issues that we had to deal with. So I hope that would do me good in the future.

Mr. Jim McDonell: Yes. So what do you see bringing into the board?

Mr. William Apted: I see bringing to the board like every other member: bringing their personal background, experience and good judgment. I would hope every member of the board does that. Obviously some members of the board have specific expertise—a psychiatrist; some have legal expertise. I do have legal training in the course of my job—nothing formalized, education-wise, but to run a large company one has to have a pretty good founding of legal issues. When you're in Europe, Africa and the Middle East, you have to understand that those countries all have individual legalistic systems, and it's a matter of understanding the key points that lead you to a decision.

Mr. Jim McDonell: At the end of the day you're just looking for a fair—

Mr. William Apted: Just a little louder for me?

Mr. Jim McDonell: Yes. At the end of the day the whole goal is just to come up with a fair decision. I guess your background is more of a general base as a contributor to the legal and to the medical side.

I don't think we have any more questions.

Mr. William Apted: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Mr. Gates?

Mr. Wayne Gates: Good morning, sir. How are you?

Mr. William Apted: Good.

Mr. Wayne Gates: Good. What attracted you to the position?

Mr. William Apted: What attracted me?

Mr. Wayne Gates: Yes.

Mr. William Apted: Again, having known Justice Carruthers for some time—he obviously spoke very highly of the work that the board does on behalf of Ontario—I always thought it would be an interesting assignment to do. It's something that I'd like to do. I think that's very important. I would certainly make time to make myself available to be on as many panels as I possibly could to help out, because, as you probably read from the literature, the caseload is growing.

I'm looking forward to it. I think that I would be a good fit, from what I said in the background, to be a public member.

Mr. Wayne Gates: I think you're right about the caseload growing, but I actually think the reason why it is growing is because of mental health issues. I think that's a growing concern, and obviously you talked about that, being in upper management for 25,000 employees. You probably watched that over the years. Certainly if you've been around for a long time, you watched that grow more because of education as well: People understand it a little better.

Mr. William Apted: Right.

Mr. Wayne Gates: We used to put them in the corner; today they're trying to help them.

Do you have any experience, knowledge or training in impartial adjudication?

Mr. William Apted: No; the answer to "formal" is no. Actual hands-on, yes, in terms of adjudicating many disputes within boardrooms and management—but I've never sat on an adjudication panel as a formal member; just through day-to-day work activities.

Mr. Wayne Gates: What type of disputes would you have come across?

Mr. William Apted: Pardon me?

Mr. Wayne Gates: What type of disputes would you have come across?

Mr. William Apted: Oh, boy. Most disputes within management are trying to do more with less resources. That always sets up a dispute within management teams that want to do something but there's only so much money to go around. Within the personnel or the human resources side, we've had everything from internal crimes to the usual client-related issues, head office issues, that sort of thing; a myriad of personnel issues.

0910

In Europe, as a North American and as a Canadian—I was the only Canadian in this organization. There were no Americans either, incidentally, so it was entirely European, and in the case of the Middle East and Africa, obviously, personnel were from those continents, so I always had to be able to move easily within cultures that were quite a bit different than mine.

Mr. Wayne Gates: Client-related issues: We kind of skipped over that. What type of issues would you have with clients?

Mr. William Apted: With clients?

Mr. Wayne Gates: Yes.

Mr. William Apted: That's a great one; I could go on—

Mr. Wayne Gates: I put a smile on your face; that's good.

Mr. William Apted: I don't think you have long enough time for that.

Mr. Wayne Gates: I do. I've got all day, pal. Sit back and relax.

The Chair (Mr. John Fraser): Actually, seven minutes, but who's counting?

Mr. Wayne Gates: It may feel like all day; I don't know.

Mr. William Apted: All I'll say to that is, I did come out of a sales and marketing background, so I was always very client-sensitive, but again, it's: How do you exceed the customers' or the clients' expectations with the least amount of resources that the organization can bring to bear?

Mr. Wayne Gates: Okay. I don't know how much time I've got left.

The Chair (Mr. John Fraser): You've got six and a half minutes.

Mr. Wayne Gates: I'm not going to talk that long.

Do you have any connection to Crown Holdings today?

Mr. William Apted: No. I thought that question may come up. I hold no stock and I am not involved with Crown any longer.

Mr. Wayne Gates: The only reason I ask that, and I'll be brutally honest with you, is that they're going through a brutal, 18-month strike, and I wanted to make sure that what's going on there—where they're trying to slash wages and benefits and all that stuff, even though they're making money—I want to make sure that you weren't involved with that. I think that was important to me.

Mr. William Apted: I have a view on that. I thought that question may come up. First of all, I last managed the Canadian operation in 1999, so 16 years ago. In that particular plant, while I was president of Crown in Canada, we had excellent labour relations. All I can say is what I read in the newspapers; that's all I know. I'm personally saddened by the whole issue. Sixteen years ago, I knew many of the hourly employees. I certainly knew all the union employees at the time. My son worked in that plant for two summers while he was going to university. All I can say is, I'm saddened by it. I have absolutely no influence whatsoever any longer to resolve it. I would hope it could be resolved pretty quickly, but it has gone on far too long.

Mr. Wayne Gates: I didn't know what answer I was going to get from you, but certainly that answer is a lot different or a lot better than I might have been expecting. I think it's nice to hear that somebody in upper management understands that most corporations in this world make money because of their workers. Any time that you put them out for that period of time, the client relationship that you're talking about is really destroyed forever.

Mr. William Apted: Right.

Mr. Wayne Gates: I would hope that if you happened to have anybody that's still working there, you would relay that message that we do what we should be doing in the province of Ontario, and that's to put people back to work and let them do what they do best, and that's usually to produce probably some of the best products in the world.

Mr. William Apted: I couldn't agree more. All I can say: In my tenure at Crown Canada—I might be proven wrong on this, but I can't think of any labour interruption or labour dispute that we had—certainly not at that plant. I think at the time when I was managing Crown Canada

we had about 10 plants. There are far less today, as you know, as a result of the manufacturing problem generally within Canada. They are difficult circumstances, but I totally agree that the people make the difference. Whether they're hourly or executive, they all count.

Mr. Wayne Gates: It's a good call on your part. I appreciate the answer and the honesty.

I'm good.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Madame Lalonde.

Mrs. Marie-France Lalonde: First I want to say thank you very much for joining us this morning. Second, I want to say thank you, actually, for putting your name forward. Based on your experience and what I've heard today, I'm very impressed about the level of professionalism but also the objectivity that you'll be able to bring in a situation that is sometimes very hard to hear. I look forward, actually, in your role—hopefully, after this vote. So I wish you all the best.

Mr. William Apted: Good. Thank you for your remarks. I appreciate that.

The Chair (Mr. John Fraser): Ms. Wong?

Ms. Soo Wong: Thank you very much, Mr. Chair. I, too, want to echo my colleague Ms. Lalonde, thanking you for submitting your name. I know every time when citizens put their names forward, I always appreciate their volunteerism—as much as giving their time.

I noticed on your application here, “Memberships in professional organizations.” How do you deal with conflict? In your past experiences as an executive member, in this kind of review board, what do you see when you have conflicts and try to resolve those conflicts?

Mr. William Apted: Right. Well, conflict management is sort of a day-to-day activity. I'm sure it's true in this building as well. Let's define conflict in the broadest sense, meaning that there's a difference of opinion. When there's a difference of opinion, I think what's crucial is to be empathetic and understand what the other person's point of view is. But I think nothing is better than having factual understanding as to the facts on the ground to really make a decision. Some people get hung up on talking theoretically or passionately because they've got a political bias or whatever. So I think conflict resolution—the best way to resolve it is understanding the other point of view and having facts on your side.

Also, good salesmanship and client relations are also good things to have too, because ultimately you've got to sell an idea.

But I would hope, in the case of the Ontario Review Board, the panels of five, that there isn't the traditional conflict. I'd be surprised if that were the case. Obviously, there is a conflict in the sense that the accused will have counsel and that counsel might have a view that's different from the panel. But it's a day-to-day activity of life in every job in the world, I think.

Ms. Soo Wong: Thank you for your support of a public agency but also for lending your name for a public organization.

Mr. William Apted: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Apted. You may step down. Thank you for your presentation this morning and for being here.

Mr. William Apted: Am I free to leave the room or do you—

The Chair (Mr. John Fraser): You can stay.

Now we'll consider the concurrence. We have one concurrence this morning. We'll consider the concurrence for William R. Apted, nominated as member of the Ontario Review Board. Would someone please move the concurrence?

Mr. Lou Rinaldi: I move concurrence in the intended appointment of William R. Apted, nominated as member, Ontario Review Board.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried.

Congratulations, Mr. Apted.

Mr. William Apted: I look forward to it. Thank you very much.

The Chair (Mr. John Fraser): Seeing as we have no other business, the meeting is adjourned.

The committee adjourned at 0918.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 24 March 2015

Mardi 24 mars 2015

The committee met at 0901 in committee room 1.

The Chair (Mr. John Fraser): I call the meeting to order. Good morning, everybody. Another Tuesday morning.

Mr. Lou Rinaldi: Again.

The Chair (Mr. John Fraser): It's kind of like Groundhog Day.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): We have a couple of subcommittee reports, so I would like to call for the subcommittee report dated Thursday, March 12. Can I have somebody—Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, March 12, 2015.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Any discussion?

All those in favour? All those opposed? The motion is carried.

For the subcommittee report dated Thursday, March 19, 2015: Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, March 19, 2015.

The Chair (Mr. John Fraser): Thank you very much. Any discussion?

All those in favour? Opposed? The motion is carried.

The Chair (Mr. John Fraser): We'll move to appointments now. We have two appointments this morning. We will consider the concurrences after we finish interviews.

INTENDED APPOINTMENTS

MR. JEFFREY WEINSTEIN

Review of intended appointment, selected by official opposition party: Jeffrey Weinstein, intended appointee as member, Ontario Review Board.

The Chair (Mr. John Fraser): Our first intended appointment is Jeffrey Weinstein, nominated as member, Ontario Review Board.

Mr. Weinstein, can you come forward, please? Thank you very much for coming here today.

Mr. Jeffrey Weinstein: Thank you.

The Chair (Mr. John Fraser): We appreciate it very much. You may begin with a brief statement. Members of each party will have 10 minutes to ask you a question. Any time that you use will be taken away from the government's time. The questioning will begin with the third party.

Mr. Weinstein, please.

Mr. Jeffrey Weinstein: Thank you very much, Mr. Chair. I want to thank the committee for their consideration. I am very honoured and pleased to appear before you this morning. My objective here today is to be appointed as an eligible legal member to serve on the Ontario Review Board, to prove to you that not only do I have the skills and desire to give back to the community by serving on the Ontario Review Board, but that I can make a meaningful contribution to this board.

I am, at the age of 62 years old, in the fortunate position to have the time and, most importantly, the desire to give back to our community by serving on a panel that interests me greatly, both intellectually and personally.

All of my referees have served on the Ontario Review Board. In fact, Dr. Hy Bloom is a long-standing and current member and chair of the Ontario Review Board. Regional Senior Justice Timothy Lipson served on the board for 17 years, 10 as chair. They, along with Justice Lawrence Feldman, who served for nine years, seven as chair, would often discuss the matters before them. They encouraged me to apply and felt that I would make an excellent candidate.

On a more personal level, a couple of years ago very close friends of mine, David and Lesley Skelly's son Kit committed suicide. He was diagnosed with schizophrenia and had been battling it for years—living on the street; in and out of Sunnybrook hospital, Covenant House and their home; and the cycle would repeat itself. I've been involved in their struggles throughout. I'm very aware of the pain and trauma of mental illness.

I've also spoken to the chair, Dr. Richard Schneider, who also encouraged my application and is looking forward to me joining the Ontario Review Board. Both he and his executive assistant were very pleased by the fact that my schedule is so flexible that it allows them to call upon me at the last minute to serve on a panel and save all concerned time and money.

I bring a well-rounded set of life skills, as a lawyer, teacher, businessperson and speaker who deals regularly with communication issues, to this position.

In my years as a trial lawyer, I was often called upon to mediate between litigious parties, including my own clients. I learned how to listen and understand each party's needs and position.

I am familiar with and comfortable in a courtroom setting. I understand the distinct roles of an adjudicator, an advocate, the individual in question and the public interest.

I appreciate the value of due process and the need to interpret and apply rules with reasoned and sound judgment, taking into account all of the specific circumstances.

I have taught third-year business students at George Brown and was a guest lecturer on negotiations at the McGill school of management and at George Brown. As such, I understand the importance of achieving trust by being impartial, proving you have listened and asking good questions.

I was the first sales agent to be elected president of the Ontario region of the Canadian Institute of Plumbing and Heating. As president, I managed a board of 13 senior industry representatives.

I enjoy the collegiality and intellectual discussions a team model provides, and as such, I understand the importance of being a team player.

As president and co-founder of Soulful Communications, I developed and presented a series of nine interactive seminars on such communications issues as how to deal with difficult people, gender communications and, of course, negotiations. In this role, I was a master presenter at Canyon Ranch, the number one-rated spa in North America, and at LeSport, the number one-rated spa, according to Condé Nast, in the Caribbean.

As such, I've learned how to respond rather than react, that discussions are not personal, and to understand that we all have the same, common goal. I know how to work with and within groups.

I look forward to answering your questions. Thank you again for the opportunity to give you this high-level overview of my qualifications.

The Chair (Mr. John Fraser): Thank you very much, Mr. Weinstein.

Ms. Forster.

Ms. Cindy Forster: When I was reviewing your resumé, I noticed that "Community involvement" and "Memberships in professional organizations" were left blank. Have you had any kind of involvement with mental health agencies or with professional organizations around mental health issues that might assist you in this appointment?

Mr. Jeffrey Weinstein: I have worked with Out of the Cold but have no formal involvement on any formal committee dealing with mental health issues. In my experience with the Out of the Cold program, most people there suffer with either addiction or mental health problems—not to the level that one would ever see appearing before one at the Ontario Review Board. Does that answer your question?

Ms. Cindy Forster: Yes. Do you believe that you have the skills necessary to make legal judgments based on people's mental health?

Mr. Jeffrey Weinstein: I have done a lot of research and preparation for this meeting. I've spoken to other committee members. I have read Dr. Hucker's article in Forensic Psychiatry on review boards.

As well, the Ontario government passed a paper on the powers and jurisdiction of the Ontario Review Board called Demystifying the Justice and Mental Health System, A Conference for Families, on May 3, 2008.

I will be serving on the board with four other members, two of whom are psychiatrists or psychologists. I understand from Dr. Hy Bloom that I will be given manuals and books to read in preparation for this hearing. At this age, you learn how much you don't know and I have no trouble reaching out for mentoring and advice from my three referees as to how I should prepare, what I should be reading, what I should be doing in preparation for any boards—it is very important to me to understand the issues.

0910

My appointment, again, is on the legal side as opposed to the psychiatric and psychology side, and I understand that there is a wonderful intellectual discussion on the matters presented to you by the hospital adjudicators and within the panel room as well.

Ms. Cindy Forster: Thank you.

Mr. Jeffrey Weinstein: You're welcome. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Forster. Ms. Vernile?

Ms. Daiene Vernile: First of all, I want to thank you for stepping forward and wanting to commit yourself to this important public service.

With regard to mental health and mental illness, we have a great deal of discussion about that these days. We see it in government and in the media. What do you think is the number one issue with regard to addressing mental health concerns in Canada today?

Mr. Jeffrey Weinstein: First, I think we've finally started on the right path.

Ms. Daiene Vernile: That we're talking about it.

Mr. Jeffrey Weinstein: Yes. For many years we didn't talk about it. Now you see the ads by Bell on mental health, "Let's talk about it," and you see advertising. There's still a huge stigma. Dealing with my friends Lesley and David, a couple of things: On a personal level, they were at our house the night before their kid died. She was thinking, "If I had cancer or my husband had cancer, my neighbours would bring me over food. 'What can I do for you?' But my son has schizophrenia"—so we draw back.

So we have started, Lesley and David have—and I mention their names because they have given interviews. They were the first ones, in their funeral notice, to mention their son's schizophrenia—in the death notice. If my wife died of breast cancer or my husband—we put that in the death notice. But if we suffer from a mental illness, it's still what cancer used to be, the "small c." "Oh, he has cancer." We whisper it.

Ms. Daiene Vernile: What do you think we need to do to mitigate the stigma?

Mr. Jeffrey Weinstein: Talk about it. Let's bring it out. We are starting. It's great.

I'm marching on May 24—there's an SSO, the schizophrenics' society organization, and we're leaving from city hall, and I'm joining it. I joined that march last year, and it was very poorly turned out. With all due respect, maybe some members of Parliament can come and wear these T-shirts and show that they are there. We need community leaders to say, "Hey, this is important." We're doing a great job with bullying finally. So we're just starting.

Then, to push an agenda, if I may, from Lesley and David: The parents care the most. A lot of times in this situation, with mental illness, it happens at age 18, 19, 20, when the kids are away at university and because of our privacy rules—I'm not saying break privacy rules. I will suggest, if I may, parents are the last to know when their child is not attending school, when their child is sitting in the classroom—or, from depression, sitting in their room. The monitors know; the monitors are there. I would like to see, ideally—and I've talked with David and Lesley—that perhaps at the university level, "I have a right to waive privacy, so let me, when I sign up, waive that privacy. I can take it back"—it's a university. But at least, going in, no one suspects their child is going to suffer from mental illness. You just don't. We don't expect anything to happen to us, and it happens to us.

Parents need to be involved at a much earlier age, but once their kids are over 18, I've seen them with eating disorders, with depression. The parents can't get involved. The kids are happy to have their parents involved. These are loving families. There's no blame on anybody. The parents are the people who would act the quickest. So I would like to see some way of, at registration in university, as an easy fix, saying, "Hey, do you agree that we can notify your parents if we feel that there are problems?" My wife is here, on a personal level. She has taught at George Brown. When you felt the student had a learning disability and could benefit from help, you were not allowed to go to that child and say, "Why don't you go to the learning centre and tell them you have a learning disability? They'll give you more time on exams. You can take your exam orally." I understand that, but there are restrictions which I think are easy fixes; by the time they get in front of me, it's too late.

I think we can get people who have the daily contact and see your child outside of the home. If you met my mother, you would think she's great, but she has Alzheimer's. She can mask it for five to seven minutes. I see it. I hope that answered your question.

Ms. Daiene Vernile: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Vernile. Mr. McDonell?

Mr. Jim McDonell: Thank you for coming out today. So you practised law for 10 years?

Mr. Jeffrey Weinstein: Yes.

Mr. Jim McDonell: Some examples—what type of law were you involved with or practising?

Mr. Jeffrey Weinstein: I started off primarily with litigation—trial work. Then I ended up doing a bit of a balance with both corporate-commercial—drawing leases, drawing agreements—and litigation. Actually, it was very good because my litigation skills showed me what could go wrong. In drafting agreements, I could see what the issues were between parties in negotiating agreements—where what I call the land mines were.

Mr. Jim McDonell: What drew you away from the legal profession?

Mr. Jeffrey Weinstein: No lawyer has ever asked me that question, by the way.

There are several reasons. Number one: At the time, I was just over 30. I skipped a couple of years of university. I was quite young. I had already practised 10 years. I was not married, so the only risk was to myself. I didn't have any family. I wanted to get into business. Sales is a very, very important part of business, and I was offered an opportunity to get into a sales position. I did not realize I'd love sales so much. I ended up becoming a sales representative, a manufacturer's representative. I became their national sales manager. I then became a sales agent representing different lines, and did that for a number of years as well.

After the fact, you realize that law is a very negative profession. You're always looking at what can go wrong, and you don't trust anybody, including your client.

Laughter.

Mr. Jeffrey Weinstein: You laugh, but the reason people—"Why did I get this letter from this lawyer?" "I did it to protect myself from you. This is from our conversation; we discussed this." It's not just for billing purposes.

It's very, very negative. Especially in family law, it may not bring the best side out in some people sometimes.

I was fortunate enough. My father says, "When you're young, you sometimes take chances that, if you were older, you wouldn't." Fortunately I was young and I took the chance, and I'm thrilled with it. I'd be a much better lawyer now today with my knowledge of sales negotiations and communications than I was when I graduated from law school.

Mr. Jim McDonell: Do you have much exposure to people who are suffering from mental illness?

Mr. Jeffrey Weinstein: My family and friends—I have a niece and a cousin with borderline personality disorder, and a very, very close friend who suffered from depression, to such an extent where this friend had to have electric shock therapy.

I don't know if it's more exposure than anybody else, but certainly with my involvement with David and Lesley, a lot more involvement in organizations and supporting them and attending events with them, in the last two, three years—much more than I ever had in the last 20 years.

Mr. Jim McDonell: Do you find that, for the most part, people are left on their own to deal with the issues?

I think most people seem to have some connection with somebody who has a mental illness and the family that's left to deal with it.

0920

Mr. Jeffrey Weinstein: Yes. I know that David and Lesley are involved in trying to get an organization of resources—where to turn, where to go. The mental health system is very, very tough to navigate.

Another friend's son currently has OCD and depression. He tried to get him into Sunnybrook and they turned him away, so he went to another hospital and he actually got into that hospital. But here's a parent—how many of us have the time, the effort, the knowledge to push? This is a highly educated person—I'm not saying a non-educated person at all; I'm just saying they're used to pushing, and he was able to get his son into treatment.

There are a lot of barriers. It could be resource-based. I'm not an expert in that at all. Everything is resource-based; let's be realistic. At the end of the day, if we had enough money we could solve a lot of problems or help ameliorate a lot of problems.

Mr. Jim McDonell: Just something that I guess I see is a lack of resources and people mainly stuck with no solutions, especially if they have no family.

Mr. Jeffrey Weinstein: Yes.

Mr. Randy Pettapiece: Thank you for coming in today; it's an interesting—

The Chair (Mr. John Fraser): Mr. Pettapiece? Sorry; I just wanted to make sure, for the record, that they know you.

Mr. Randy Pettapiece: Oh, I'm sorry.

The Chair (Mr. John Fraser): It's no problem.

Mr. Randy Pettapiece: I think it was on my second son's peewee ball team: One of the players committed suicide. He was just a young man. The unfortunate thing, other than the loss of this young fellow, was that nobody knew about it. Nobody knew he was going through his issues until it happened and then all the questions came out. So this is certainly a difficult position. I understand what you're going through because actually with these young fellows who were left, the young ball team, they certainly couldn't understand why it happened.

I can see some advantages of you being a lawyer and a salesman at the same time. You can probably write the contract out as you're making the sale, so that could be an advantage of you being in sales.

I just wanted to comment here: I think you bring with you some very good points. Certainly from your life experience, it seems to me that you probably would be a good fit for this position.

Mr. Jeffrey Weinstein: Thank you very much. I appreciate your comments, very much so.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece.

Mr. Weinstein, you may step down. Thank you very much for being here this morning. I appreciate you coming in and taking the time.

Mr. Jeffrey Weinstein: Thank you.

MR. GÉRALD NAUD

Review of intended appointment, selected by official opposition party: Gérald Naud, intended appointee as member, Social Benefits Tribunal, Social Justice Tribunals Ontario.

The Chair (Mr. John Fraser): Our next intended appointee is Gérald Naud, a nominated member, Social Benefits Tribunal, Social Justice Tribunals Ontario. Mr. Naud, can you please come forward?

Mr. Gérald Naud: And just sit here?

The Chair (Mr. John Fraser): Yes.

As mentioned earlier in the meeting, the concurrences will be taken after we're finished both of our interviews.

Thank you very much for being here this morning, Mr. Naud. You may make a brief statement. After that, members from each party will be able to ask you questions for about 10 minutes. Any time that you take will be taken from the government's time. The questioning will begin with the government. Thank you very much, Mr. Naud, for being here.

Mr. Gérald Naud: Thank you very much. Good morning, Mr. Chair and all members of the committee. I'll keep it very short: I'm here to offer my services as a full-time member of the Social Benefits Tribunal. Since 2004 I've been a full-time member with the Landlord and Tenant Board. For approximately four years I sat on the board's rules and guidelines committee. The tribunal's internal leaders have recommended that I apply to the Social Benefits Tribunal.

I have a legal background. I'm bilingual. I'm committed to continuous learning and ensuring fairness in the administrative process of the Social Benefits Tribunal and the Landlord and Tenant Board. It would be a privilege to obtain your vote of confidence to allow me to pursue my dedication to serve the people of Ontario. Thank you. Merci beaucoup. You can ask your questions in French or in English.

The Chair (Mr. John Fraser): Merci, monsieur Naud. Madame Lalonde?

M^{me} Marie-France Lalonde: Bonjour, monsieur. Merci d'être ici aujourd'hui.

Mr. Gérald Naud: Bonjour, madame Lalonde.

Mrs. Marie-France Lalonde: C'est un plaisir.

How does your experience on the Landlord and Tenant Board prepare you for this new board?

Mr. Gérald Naud: With the Landlord and Tenant Board, the tenants we're dealing with are not the most privileged a lot of times. They're usually the same clients who would be coming before the Social Benefits Tribunal. You have to have mastered a bit of compassion and empathy to be able to do this type of job. It's not always that pleasant for them to come before us and, therefore, you have to make them feel comfortable and listen to them quite closely to render the right decision.

M^{me} Marie-France Lalonde: That will be the only question. Merci beaucoup. Merci d'être venu ici aujourd'hui.

The Chair (Mr. John Fraser): Mr. McDonell?

Mr. Jim McDonell: You talked about your experience on the Landlord and Tenant Board. Just maybe delve a little bit deeper into some of the experience you bring from that.

Mr. Gérald Naud: There are many aspects. At what level would you like me to delve a little deeper? Is it from the type of clients? Or is it from the process standpoint? There are many things that I can delve into to demonstrate what I can do.

Mr. Jim McDonell: Your average case. We hear from both sides, people going to the board, how it worked, the efficiencies of the board, the backlog—just some of the issues you saw with that board.

Mr. Gérald Naud: One of the big things for me, when you're talking about backlog, is that you have to be committed to the workload that's in front of you. I'm an adjudicator, I'm a soldier on the front line, and you cannot be afraid of doing work.

We're getting more and more work, and what I like is the new technology that's helping us. I've always worked with implementing new ways of holding hearings. We're now developing by telephone, videos, Skyping—these are all tools that are available to us so that we can tap into some of the clients who are in remote areas and give them access to fairness, to the process. This goes for any type of client, whether it be with the Landlord and Tenant Board, or whether it be with the Social Benefits Tribunal, where you have people on ODSP. Maybe at that point they'll benefit from all this new technology that's coming in so that they can be in front of the board or tribunal in a more expeditious manner. We are doing quite well, actually, with the Landlord and Tenant Board in the Ottawa region. I'm proud of what we do in Ottawa.

Mr. Jim McDonell: Have you seen a lot of repeat offenders on either side?

Mr. Gérald Naud: We're getting a better handle on this. It wasn't there when I first started. You can call them almost vexatious litigants, where we're spending sometimes too much time with those people who are coming. They're using up time for people who really need our services. We need to be able to eliminate some of these people from taking so much time in front of our process. We're just getting a handle on how to be able to do this now.

I think we're going to see some changes coming up in all of the social boards or tribunals in the cluster as we see that some are taking up time for absolutely nothing.

Mr. Jim McDonell: Will you hold on to both positions at the same time—

Mr. Gérald Naud: Yes. That's what has been recommended. The big advantage of being able to do both is that—we end up travelling quite a bit. We go into areas such as Hawkesbury and Cornwall, and since I'd be there, let's say, for the Landlord and Tenant Board, there's no reason for me not to be there for the Social Benefits Tribunal. I think this is what the tribunal and the board are looking at.

My vice-chair is appointed on both the board and the tribunal and is looking to make it as efficient and effective,

from a monetary standpoint, to be able to go to these areas and not have to go there twice and repeat it. That's what the advantage is on some of these cross-appointments.

The other thing that I have is that I'm bilingual, so you don't have to send one member who's just English for one board or whatever. You can send somebody who can do the bilingual cases for both the board and the tribunal. That's where it becomes more efficient and effective.

0930

Mr. Jim McDonell: Now, typically when you do hearings, are they all day? Is it typically one case or a few cases, or is it just part of a day that you go down for some of these?

Mr. Gérald Naud: With the Landlord and Tenant Board we're there for one day. With the Social Benefits Tribunal, they are there usually for a period of three days. There's some overlap, because sometimes we can be with the Landlord and Tenant Board and you don't have as many cases that are in your block; instead of being there only for three hours, you may be able to start a block, if you want, for the Social Benefits Tribunal on the same day, which is never really done. In our case, maybe there is some type of improvement in management to be able to do these things, depending on the workload.

Now, I'm not going to say that it's absolutely necessary to do this, because with the Landlord and Tenant Board, if you see how many cases we get per block, it's quite phenomenal, and sometimes it's difficult just to be able to put another hearing block in the afternoon because of the numbers that we're dealing with.

Mr. Jim McDonell: So how many adjudicators would typically be in a session? Would there be a chair, yourself—

Mr. Gérald Naud: At the Landlord and Tenant Board, for example, on average we get 40 cases and I'm alone when I sit in. Is that what you're looking for?

Mr. Jim McDonell: Oh, okay. So it's not a—

Mr. Gérald Naud: It's not a panel, and over a period of 10 years I've written over 20,000 decisions, so that's where a bit of the expertise comes into play. I'm not a person who has a big flair on his pen. I don't write for the Supreme Court of Canada. I try to make sure that the clients understand what I say and what I write; it's written for the common layman, so that he understands exactly my decision.

Mr. Jim McDonell: With your experience, do you see any changes that you think need to be made to that system to make it more efficient and more useful to the clients on both sides?

Mr. Gérald Naud: At the Landlord and Tenant Board or the Social Benefits Tribunal?

Mr. Jim McDonell: Landlord—

Mr. Gérald Naud: For the Landlord and Tenant Board, it's very difficult right now to see any improvement of that system. The workload has increased so much, and we're still with the same number of people. The only way we're being rescued right now is by the

technology that's there. It's a question of more efficient management, and it is being promoted as we're going.

Mr. Randy Pettapiece: Mr. Chair?

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: Yes, just one question: You say that the caseload in the Landlord and Tenant Board is growing.

Mr. Gérald Naud: Yes.

Mr. Randy Pettapiece: Can you see any factors that are making this caseload increase so much? Is it people not being able to pay their rents? Is there something that's common in this?

Mr. Gérald Naud: There's a common denominator that's coming out, and the gentleman before me mentioned it also. The question of mental health issues is ever-present, and it's taking up a lot of our time. The workload is there, but when it comes time for mental health, you get to see that you have to spend a little bit more time when it comes into those places, especially any type of human rights or disabilities where accommodation has to be brought in and evaluated. Those are almost many times hearings inside a hearing that take quite a bit of time, and you have to be able to draw the right information to make the right conclusion. They're not always self-evident.

Mr. Randy Pettapiece: So you're seeing an increase in the mentally challenged caseload?

Mr. Gérald Naud: Yes, definitely, and it's more demanding on time. It is time-consuming.

Mr. Randy Pettapiece: For sure. I can understand that. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Ms. Forster.

Ms. Cindy Forster: Thanks for being here today. What kind of work did you actually do? You're a lawyer. We had another lawyer who doesn't lawyer anymore. What kind of work did you do between 1984 and 2004, when you were appointed to the Landlord and Tenant Board?

Mr. Gérald Naud: Do we have enough time?

Ms. Cindy Forster: I have 10 minutes.

Mr. Gérald Naud: From 1984—I graduated in 1984—I was already recruited in my second year in university from law school. I worked at that firm for a little while, went out on my own, and then I got in with the federal government, with the transportation of dangerous goods, and then eventually got into business on my own. That lasted for probably about 10 years, almost, and then I got in with a legal publisher. I was in charge of their business development. And I applied for here, and here I am.

Ms. Cindy Forster: Okay. The Social Justice Tribunal has a backlog of almost 12,000 cases, an increase of 23% from the year before. The Auditor General made some recommendations to reduce the need for the cost of appeals—the high rate of overturns of decisions, which is at about 50%. There were some changes made, but there's still an overturn rate of 50% and an increase in the

backlogs. How are you going to address that backlog? Do you have any ideas?

Mr. Gérald Naud: Ideas? I haven't got into the social benefits; I haven't been trained yet. I don't understand all of the intricacies so far. I am committed to being able to get to learn the whole process, and I do collaborate highly with my superiors to be able to try to find new ways to develop, especially, technology, which I think is one of the ways to be able to get there. I still think that's one of the main ones.

My biggest contribution is the fact that I am bilingual, in that I can go into different areas and probably help on that backlog and also help from an efficiency and effectiveness standpoint. That's the biggest contribution that I know I can make.

Ms. Cindy Forster: What is the backlog of cases at the Landlord and Tenant Board?

Mr. Gérald Naud: When I listened to the backlog of 11,000, I'm not aware—being the adjudicator, we're committed to having the application that comes before the board to be heard within 21 days. I can guarantee you, in Ottawa and the surrounding region, we're very close to those standards. We're committed to having our decisions out within five days—80% of our decisions. Again, I can tell you that we are on target with those numbers.

It's a question of being a team in Ottawa, for members. We work very strongly together. When we're overworked and somebody has too much and has to catch up, we'll go in and sit in for another member. There's that kind of help between colleagues, and that's one of the things I love about where I work. I hope to do the same thing with social benefits.

Ms. Cindy Forster: The introduction of technology at the landlord-tenant tribunal: Has it reduced the backlog of cases, and by a certain percentage?

Mr. Gérald Naud: I don't know if I can say that it's reduced the backlog as much as it has given access to people who would not normally have access. As much as we'd like to say we want to corner the backlog, there are also other people—like with the Landlord and Tenant Board: Even though it has been there for a long time, people have never used their services, don't know about it, and some of the tenants are not aware of it, especially in remote areas of Ontario. As much as we'd like to open those services up, the backlog keeps growing. When I started with the board, it was at about 80,000 decisions a year and now we're getting near 100,000 decisions a year. And, I'm proud to say—in Ottawa, anyway—we're doing very well on the backlog.

Ms. Cindy Forster: In your role at the landlord-tenant tribunal, how many hours a week would you work, on average?

Mr. Gérald Naud: Personally, if I don't work 50 hours a week when I'm working, I don't work a day.

Ms. Cindy Forster: So how are you actually going to give enough attention to the—

Mr. Gérald Naud: Social benefits?

Ms. Cindy Forster: —the Social Benefits Tribunal if you're already working 50 hours a week for the Landlord and Tenant Board?

Mr. Gérald Naud: This is where the board has made a decision, from an efficiency and effectiveness standpoint, that I may help by going to the Social Benefits Tribunal, by going to different areas where the bilingual aspect will come into play—because Ottawa is a very different region. When I go to Hawkesbury, if I go to Cornwall, there are always French hearings. Instead of sending two members, now you just send one member for both boards. I can do both languages at the same time, so it compounds into four different aspects. That's where I think it makes sense.

The 50 hours a week: I'm not Superman either. It'll be a combination of discussion with my vice-chairs to be able to say, "I'll go work whenever you need: one week, social benefits; maybe three weeks this month with the Landlord and Tenant Board, and vice versa the next week." I have no qualms about how I'm being sent or where I'm sent at any time. I don't have kids at home anymore. It's my time to be able to put in some good, quality time for Ontario.

Ms. Cindy Forster: And I understand that. I understand that you're here to do the best job, but it seems to me that if you're already putting in 50 hours a week, something is going to suffer. Either the Landlord and Tenant Board is going to suffer because they're not going to have you there making decisions or the Social Benefits Tribunal is going to suffer because you're going to be somewhere else. Those are my comments and questions. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Forster.

Thank you very much, Mr. Naud. You may step down. We appreciate your presentation this morning.

Mr. Gérald Naud: Thank you.

The Chair (Mr. John Fraser): We'll now consider the concurrences.

We'll now consider the concurrence for Mr. Jeffrey Weinstein, nominated as member of the Ontario Review Board. Can someone move the concurrence?

Mr. Lou Rinaldi: Chair?

The Chair (Mr. John Fraser): Mr. Rinaldi.

Mr. Lou Rinaldi: Yes, Chair. I move concurrence in the intended appointment of Jeffrey Weinstein, nominated as member, Ontario Review Board.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Any discussion?

All those in favour? Opposed? The motion is carried.

Congratulations, Mr. Weinstein.

We'll now consider the concurrence for Gérald Naud, nominated as member of the Social Benefits Tribunal, Social Justice Tribunals Ontario. Would someone please move the concurrence? Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of Gérald Naud, nominated as member, Social Benefits Tribunal, Social Justice Tribunals Ontario.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Do we have any discussion?

Mr. Jim McDonell: I just have the same concern. You're talking about two boards with a huge backlog, and I think that having one—it doesn't make sense that we wouldn't try to get rid of those backlogs by putting two different people in. Not anything against the candidate; I just think that—we heard about the huge backlogs. This is a full-time job, and to take somebody who's already working full-time with a backlog into it just seems to be problematic to me. I think there's room for two separate people in this location to try to help out the backlog.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Any further discussion?

All those in favour? Opposed? The motion is carried.

Congratulations, Mr. Naud.

Thank you very much. The meeting is adjourned.

The committee adjourned at 0944.

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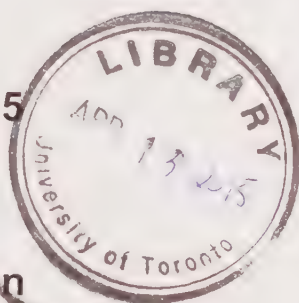
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Official Report of Debates (Hansard)

Tuesday 31 March 2015



Standing Committee on Government Agencies

Intended appointments

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 31 March 2015

Mardi 31 mars 2015

The committee met at 0901 in committee room 1.

INTENDED APPOINTMENTS

MR. THOMAS COLLINS

Review of intended appointment, selected by official opposition party: Thomas Collins, intended appointee as member, Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Good morning, everybody. Welcome back for another Tuesday morning.

We have no subcommittee reports, so we're going to move right to our intended appointments review. We have two appointments to consider this morning.

Our first intended appointee is Thomas Collins, nominated as a member of the Ontario Labour Relations Board. Mr. Collins, can you please step forward?

Mr. Thomas Collins: Good morning.

The Chair (Mr. John Fraser): Thank you very much for being here this morning. We appreciate it very much. You will have the opportunity to make a brief statement, which will be followed by questions from members of each party. Any time that you take will be taken away from the government's time to ask you questions. Our questioning today will begin with the official opposition.

Mr. Collins.

Mr. Thomas Collins: First of all, thank you for the opportunity to meet with this committee and consider my application. I'd just like to embellish a bit my biography in terms of where I come from. I did a BA, an MA and a couple of years in a PhD program at Western when I was young—in political science, by the way. That could be a good or a bad thing as the case may be.

I have served for approximately 35 years as a full-time staff representative. I've had probably one of the most interesting careers in the labour movement.

I was elected the Canadian director of the Retail, Wholesale and Department Store Union back in 1990. That carried with it a number of things, which I'll talk about a little bit. We went through a very difficult merger dispute. Our international union out of New York decided to merge with the United Food and Commercial Workers. I was the leader who took our group in Canada out of that merger and created the Canadian union Retail Wholesale. We then merged—I was Canadian director during that time—with the United Steelworkers of America for 6.33 years, at which time I sat on the international executive board of the Steelworkers union and

headed the retail division of the union in Canada. Then we had a divorce in 1999, and we went back to being the Retail Wholesale Canada Union. Shortly thereafter, we merged with the Canadian Auto Workers. I became Buzz Hargrove's assistant and served there for 10 or 11 years.

So my history in the labour movement is extensive in a lot of different ways. Through all of those items alone, I spent numerous amounts of time on labour board cases at the board, both over successor rights and over the fight over the merger and the dissolution of our former union. There were multitudes of cases and counter-cases and that. So I spent a lot of my life in front of the labour board.

As well as that, our union itself was involved in some of the most significant cases that have occurred there. I've been an active participant in all things, including the dissolution of Dominion Stores and all the successor rights cases over A&P etc. and the Conrad Black situation in front of the pension commission, in which I was fortunate enough to be the one that collected the \$60-million cheque that we gave back to our members. I was also extensively involved in the Eaton's strike and certification process, The Brick, Sears, The Bay and finally—I guess the most notorious one in recent years is Walmart in Windsor. Over that whole period of time I spent a lot of time with the labour board, and I'm very familiar with a lot of the people.

My history is a love for the law and for that. In my retirement years, I'd like to finish it off by spending a bit of time at the board, being helpful to somebody. My relationships with most of the labour movement and the leadership are pretty extensive. I believe all those connections are useful in the processes of getting things done at the board.

The Chair (Mr. John Fraser): Thank you very much, Mr. Collins. We'll start with the official opposition: Mr. McDonell.

Mr. Jim McDonell: Thanks for coming out today. During which years were you a board member for the Ontario Federation of Labour?

Mr. Thomas Collins: Yes.

Mr. Jim McDonell: What time period were you—

Mr. Thomas Collins: From my election in 1990, it would be 1990 to 1994.

Mr. Jim McDonell: Okay. Which cases did you bring to the Ontario Labour Relations Board and what was your success rate? Cases that you brought: What's your

experience with the labour board and how did you find how it worked? You've brought cases to the labour board in the past?

Mr. Thomas Collins: Yes, I did. On a personal level, I presented cases early in my years, and for many of the others I made decisions on behalf of the union, how they progressed etc.

I have a lot of respect for what the board does. I've had cases I've won and cases we've lost. I think most of the decisions are very reasoned and there are very competent people who have sat there and adjudicated a lot of them as chairs and that. I've been through at least 100 certification cases at the board. In terms of those, the only concerns we usually have are the time in which we get it done and ensuring that justice is done in terms of individuals, particularly in cases where people are discharged and that sort of thing. But I would say my experience has been nothing but good. Even when we lost, there were reasoned decisions, and I found those very competent in their own right.

Mr. Jim McDonell: You made reference to the timeliness of some of the decisions. How do you find them? Everything seems to move so slowly. I don't imagine the labour board is anything different.

Mr. Thomas Collins: I guess one of the concerns I've always had with the board—and with anything. I mean, it's the old adage that justice delayed is justice denied. It does take time to process, particularly bad-faith bargaining charges or unfair labour practices. It takes time. I guess I wish, in a better life, that there was more strength in the interim orders of the board to get things solved even before we get them all heard, because often people are sitting out there wondering, whether they have a union or don't have a union, or are arguing that case out in the workplace, where you don't really want it to happen.

From that perspective, my view would be that I wish we had a better ability to get things moved through the board.

Mr. Jim McDonell: I know recently in the news there has been some discussion about money received by the Ontario Federation of Labour from the WSIB. I know you weren't there then. It's to run programs. Do you see that as a worthwhile program?

Mr. Thomas Collins: Which program is that?

Mr. Jim McDonell: There has been money received or given to the Ontario Federation of Labour from the WSIB to supposedly look after some programs—training—but we're seeing that not a lot of training has gone on. From your time on the Federation of Labour, do you see that that's money that could be well spent and wasn't? Knowing it's after your time frame—but you had quite a bit of experience on the board.

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Mr. Thomas Collins: I think I'd be hardpressed to make a comment. I'm not that familiar with the proposal. Would the labour board be useful in that process? I think so, because of all its mediating abilities and certainly the competence of the labour relations officers and employ-

ment standards officers. Many in the labour movement are not quite as supportive of this proposition, but I've always believed that the conciliation and mediation services of the labour board are first-rate and often are the reasons we end up with settlements and stuff. I've always used the conciliation services because they're certainly competent people, get the job done, mediate and avoid unnecessary hearings.

Mr. Jim McDonell: Have you had any experience from the employer side with the people at the labour board?

Mr. Thomas Collins: On the employer side? I know just about every lawyer in the province that's faced me one place or another.

Mr. Jim McDonell: But I mean as far as—your union is a large employer as well.

Mr. Thomas Collins: Have I, personally, as an employer? Yes, I've been an employer and I've had to negotiate with my own staff on several occasions. Also, in my earlier years, I sat as chairman of the board of King's college in London and as an employer negotiated with the staff and the faculty. So, yes, I've had experience on that end. I think the whole basis of collective bargaining—a lot of it is based on the establishment of long-term relationships of respect. I've always believed that the best collective agreement is one that neither side is happy with, because at the end of the day you have to leave the bargaining table with respect. If you don't, you wear it for a long time.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: Yes, thank you. I want to get back to this WSIB business. It has been brought out into the open that there has been a certain amount of monies given by the WSIB to the Ontario Federation of Labour and this money was supposed to go towards training. There are some allegations that it didn't. I'm wondering, are you aware of any of this type of thing?

Mr. Thomas Collins: No, I'm not. It certainly didn't happen during my time there, that I know of.

Mr. Randy Pettapiece: No, I understand that. I just wondered if you were aware of what's been going on with this thing.

Mr. Thomas Collins: No, I'm sorry. I don't.

Mr. Randy Pettapiece: That might be something, if you are to receive this position, you might have a look at. Anyway, that's all. Thanks.

Mr. Thomas Collins: Thank you.

The Chair (Mr. John Fraser): Mr. Gates?

Mr. Wayne Gates: Good morning, Tom. How are you?

Mr. Thomas Collins: How are you, Wayne?

Mr. Wayne Gates: I think I'll have to let everybody know that I've worked with Tom for a number of years and consider it a real privilege. I've had the opportunity over the years to ask for his advice. He's been involved for a long, long time. I also have to give him my condolences as well, because he worked with Buzz since 1999—Buzz Hargrove, who I am still good friends with, as you know. I just wanted to let everybody know that I

have worked with Tom, and the talent that you have shown over a number of years doing what's in the best interests of your members is not always easy, and it's not always popular. In particular, moving from an international union to a Canadian union, which I come out of, actually—going from the UAW, back in 1985, to a Canadian union and forming a Canadian union. It took a lot of guts, quite frankly, to do that, and you were successful in doing it. Certainly your membership has contributed and still contributes to the CAW and now Unifor, and that was because of your leadership. I think that's what you'll bring to the table here as well.

On the OFL: I know it might not be exactly our mandate, but the question was raised. There have been some questions in question period over the last few days. I can tell you our labour critic, Cindy Forster—I don't know if she's going to speak to this issue at some point in time—actually used the fund to get training at WSIB. I know this doesn't really pertain to Tom—but I already think you're great and I'm going to vote for you, so you don't have to convince me what a good guy you are and that you want to continue to give back to the province—

Interjection.

Mr. Wayne Gates: No, he's retired. He could go home and lie on the couch, and he wants to give back. I think that's great.

I wanted to say, on that fund and the OFL—you're quite familiar with the OFL. You understand what happened. Cindy Forster actually took the training with WSIB. We had an incident at Queen's Park not that long ago where somebody stood up and started to scream and talked about the WSIB. So I think, if anything, we need more training in WSIB.

We had two workers killed on the job on Sunday. People should go to work and, quite frankly, come home and see their families. The program has taken some criticism, but I think that any time we're putting money towards training—like I said, Cindy did it.

I wanted to say thanks for putting your name forward. What motivated you to get back involved? I watched you for a number of years, and you were so happy when you finally called it a day. I'm really pleased, and I think the Ontario Labour Relations Board will be something that you'll be extremely good at.

Mr. Thomas Collins: I think I've been encouraged, basically, by some good friends who also retired, one being Jim Hayes, one of the senior partners at Cavalluzzo Hayes. They've been prodding me for a couple of years now to come back and share what I do know about it with the labour board and assist in, I think, some of the relationships with some of the unions in terms of getting some things done. I think that's the piece I can bring, because it's not often that leaders of unions come back to sit on the labour board. I can assure you that doesn't happen.

I have a keen interest in it, and I know many of the players, and if I can be of some use for a while, then I'll do that, in the best spirit of what I understand the labour board is there for.

Mr. Wayne Gates: My colleagues here asked you a question, and I thought you answered the question extremely well when you talked about whether you've ever been on the employer side. It's interesting: Maybe a lot of people around this horseshoe here don't understand that when you're at the top of the house sometimes in the labour movement—including myself, when I was president of Local 199—we have to bargain with our support staff. That's a very interesting position when you're doing that, and you did it for a number of years.

Mr. Thomas Collins: Yes.

Mr. Wayne Gates: I think you hit on the most important thing in the bargaining process, which I don't think a lot of people understand. Most union leaders who go to the bargaining table understand that the pie is so big that you have to find a way to divide that pie up so that the company is satisfied that they came away with something and the union came away with something. Then we've got to ratify it with our membership. It's a real talent, quite frankly, and a real art that I think a lot of people don't understand.

You said that at the end of the day, the most important thing is that you've got to leave that bargaining table with all parties respecting each other, because, come Monday morning, you again have to work with them. You've done that for a number of years. Maybe you can tell me how many times you were at the bargaining table, period.

Mr. Thomas Collins: How many times have I been at the bargaining table?

Mr. Wayne Gates: Yes, negotiating collective agreements.

Mr. Thomas Collins: Thousands. A couple of hundred days a year.

Mr. Wayne Gates: Think about that. That's incredible. And after all the years—how many years were you a union rep?

Mr. Thomas Collins: For 35 years.

Mr. Wayne Gates: The most important thing about bargaining comes out of one word: You've got to have respect. I think that says it all about Tom. I certainly respect you. It's a privilege, all those years. I probably never told you that, but it was always a privilege to work with you. I'm hoping that we get unanimous support today for you to come out of retirement, get off the couch and benefit the province of Ontario.

Mr. Thomas Collins: I can assure you, I haven't hit the couch very long.

Mr. Wayne Gates: John, I'm good. Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Ms. Martins.

Mrs. Cristina Martins: First of all, thank you, Mr. Collins, for coming in today to give your talk, and for all the work that you have given to labour relations over your years involved. Hopefully, you'll be able to continue to give many more years of your time—and, that couch not being very comfortable, hopefully that will be the case.

I guess the question here is, what do you see as the Ontario Labour Relations Board's role in labour relations?

Mr. Thomas Collins: It's the referee, I think, in a big way. It's the referee.

In the bigger bargaining world, there's a lot of stuff that never reaches the labour board. The only things that reach the labour board are where you've got either very hard fights over organizing places that don't have a union—most of the unionized workers, I think, go through their daily lives without having strikes. There's all sorts of good scraps, but they don't go very far. The labour board gets the toughest ones, and some of those decisions are brutal.

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I have been part of brutal fights. I spent over two years fighting with Walmart, one store—\$2 million in two years. I have been places where I've seen the kind of unfair labour practices that I know nobody in this room would sanction. But it all happens. It all happens in the real world.

Most strikes happen because both sides have decided there is going to be one. At a certain point, there's an impasse that you can't get beyond. But 99% of the time, that's not the case. We don't see those.

I have had some brutal strikes in my lifetime over bargaining, but they were the ones I couldn't avoid most of the time. Half of the bargaining that we do as staff people is with our own people.

It's one thing to have an argument with the employer; you understand where they're coming from. Another thing is to deal with your committees and people on your day-to-day aspirations that might be greater than the world can take or on items you know are just not possible, but you still fight them out at a bargaining table. You try to achieve some measure of improvement, and I've always judged it by that. As long as you're moving it forward in some way, it's better than standing still, because the world keeps moving, or it's better than going backwards. That's my view on it.

Mrs. Cristina Martins: Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Collins. We appreciate very much you being here this morning and sharing your time with us. We'll consider the concurrences at the end of this meeting, and so I would ask you to step down now.

Mr. Thomas Collins: Okay. Thank you.

MR. EDWARD CHUDAK

Review of intended appointment, selected by official opposition party: Edward Chudak, intended appointee as member, Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Our next intended appointee is Edward Chudak, nominated as member of the Ontario Labour Relations Board.

Mr. Chudak, would you come forward?

Mr. Edward Chudak: Good morning.

The Chair (Mr. John Fraser): Thank you very much for being here this morning.

Mr. Edward Chudak: It's always a pleasure to do the two-hour drive from Newmarket. It amazes me. I look at the odometer, and I see the 45 or 50 kilometres. I go, "This can't be right." But somehow it always turns out that way.

The Chair (Mr. John Fraser): As you may have heard, you'll have the opportunity to make a brief opening statement, to be followed by questions from the committee. Any time that you use will be taken away from the government, and the questioning will begin with the third party. Mr. Chudak, please, the floor is yours.

Mr. Edward Chudak: Thanks for the opportunity to appear here. I retired in August of last year, and I was asking around to various arbitrators and so on that I work with if they were aware of anything that I could do in my retirement. I didn't think I was quite ready to, as you put it, lie on the couch. They pointed me to the Public Appointments Secretariat website, where I saw a position at the labour board, which I applied for. I was duly interviewed, and here I am.

Just to give you a bit of my background, it's strictly in the education sector. I started teaching in 1977 in Toronto with the Toronto public school board and then moved to the East York board. It was a time of great redundancies and that. I bounced around for a while and eventually ended up with the York Catholic board in 1981.

Within a couple of years, I was the chief negotiator of that bargaining unit, which was a huge and growing bargaining unit at that time. We went through quite the transition in collective agreements. There were a number of collective agreements that were structurally important and, quite frankly, set staffing standards and that kind of thing across the province and rights issues.

I also got involved in union politics at the time. I served on the OECTA executive as the second vice-president and also did two terms on the Ontario Teachers' Federation board of governors. I'm a fellow of the OTF—they granted that several years ago—and ended up on staff at OECTA in 1991, with primary responsibility for collective bargaining, which I did extensively across the province under the old School Boards and Teachers Collective Negotiations Act.

Things fundamentally changed around 1996, when the teachers were put under the auspices of the Ontario Labour Relations Act. The central body then had bargaining rights and carriage rights over all grievances and that sort of thing. I was extensively still involved in bargaining in a much more concrete way, and then started taking over the grievance portfolio and eventually ended up in the grievance department of OECTA and eventually as the head of collective bargaining and the grievance department.

OECTA has about a 43,000-member head count between statutory teachers and occasional teachers. In any given year, there are about 1,400 to 1,500 grievances filed of various natures, most of them minor. The settlement rates on them were very, very high.

In my tenure at OECTA, my basic premise—and this was through bargaining and through the grievance procedure—was to try to look for alternate dispute resolution mechanisms to facilitate settlement and labour peace. I'm proud to say that in my tenure with OECTA, despite literally the hundreds of collective agreements I've done, none had gone to a full strike. There were a couple of work-to-rules granted, but none went to a full strike with withdrawal of services. I always managed to find a solution, and I think that I have some credibility around finding creative solutions to problems and that type of thing. That's what I think I can bring to the labour board.

I don't have the extensive experience at the labour board that the person whom you just talked to did; after all, the history of the education sector with the labour board is not as long. There have been a few instances of duty of representation and those types of things, and some jurisdictional issues. Again, most of them are settled amicably.

I think I'll leave it at that. That gives you a flavour of where I come from. I'm open to any questions.

The Chair (Mr. John Fraser): Thank you very much, Mr. Chudak. Mr. Gates?

Mr. Wayne Gates: Good morning. How are you?

Mr. Edward Chudak: Not bad. By the way, Michael McIsaac says hello. I was at spring training with him last week.

Mr. Wayne Gates: Were you?

Mr. Edward Chudak: Yes.

Mr. Wayne Gates: Went down to watch my Jays play.

Mr. Edward Chudak: Yes, they're looking okay.

Mr. Wayne Gates: I've been following them very closely; they've got a good, young ball club this year. I'm looking forward to—I don't know if I can say this but if you know anybody who has tickets for the home opener, you can call me. Is that okay? I'll buy them; I'm not asking for free tickets.

Mr. Edward Chudak: I don't have them myself, but—

Mr. Wayne Gates: I'll give you a little of my history with OECTA. I've got three daughters who belong to OECTA. Tara-Lynn is a special-needs teacher; my middle daughter teaches at the Catholic school board and does grades 5 and 6; and my youngest daughter, who—I had the privilege of going home last night and she told me she's considering going to Brock University now instead of Western, so I was pretty excited. Just before I went to the IceDogs game she had told me that. I wanted her to stay close to home. And then my wife is a retired principal so, obviously, education—in my family, we talk about it a lot.

Everybody around this table certainly could talk to their colleagues about it: There's a myth out there that when you belong to a union all you do is go on strike. There's a real talent out there with negotiators—97% of all collective agreements get settled without a strike. The process works extremely well.

When I heard you say about the 1,400 to 1,500 grievances—and then you do it a little differently. You go to mediation. The alternate dispute resolution has become extremely big over the last number of years, some of that because of cost. How often would you do that?

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Mr. Edward Chudak: Actually, when I became head of the department, I worked out a system where we booked several arbitrators over a number of dates through the year with various school boards, with mutual agreement from the school boards.

What we would do is bring, on a particular day, 10, 12 or 13 issues before an arbitrator, with relaxed rules of procedure and that type of thing, just seeking a decision without reasons at the end of it. In other words, I would go and present our case, with whatever evidence we had, and the other side would do the same. The arbitrator would make the decision, and that was it. Sometimes, there was some negotiation. Obviously, when you didn't have agreement on fact, there was more negotiation than when you did.

That was a very efficient way. Often, we could get through 10, 15, 20 grievances a day—and those are the ones that went to that type of hearing. There were a number where you'd pick up the phone and you'd talk to the superintendent in Simcoe or Windsor or whatever, and you could resolve those things amicably and with a duty of fair representation to the member, without having to go through the onerous process of a full-blown arbitration.

Mr. Wayne Gates: The one thing that you left out: It works.

Mr. Edward Chudak: Oh, yes.

Mr. Wayne Gates: It's very successful. I think the thing that everybody around this table would like to hear is this: Arbitration is extremely costly for both parties, not just one party. The mediation process has a high success rate, and the cost is certainly a lot less, which is a win-win for both, quite frankly.

Mr. Edward Chudak: The cost is exponentially less.

Mr. Wayne Gates: Yes.

Mr. Edward Chudak: With one day of that type of mediation, it would cost us maybe a couple of thousand dollars, versus a \$10,000 to \$15,000 average cost for a one- to two-day arbitration. There's a significant saving in doing that.

The underlying part of that, though, is developing relationships with employers and developing trust, to be able to talk through issues and to basically work through things where you have a mutual respect for equity in situations. Where we were able to achieve that, the system worked great.

At heart, I'm not an ideologue; I'm a pragmatist. I spent my life as an advocate on the union side, but I know what the roles are. That's a role. There is another role in labour relations, and that is to look at the situation from a different perspective, and I don't have any problem with that.

Mr. Wayne Gates: I've still got a minute left or so?

The Chair (Mr. John Fraser): Oh, yes.

Mr. Wayne Gates: I don't need that much.

The thing that we heard this morning, quite frankly, with you and Tom is that sometimes people have this opinion of the people who are involved as the labour leaders. It's always interesting, when you sit down and talk. It's about trust; it's about respect and doing what's in the best interests. Obviously, our interest is our members, but at the end of the day, we have to leave there with mutual respect so that we can do it all over again the next day, and the day after that and the day after that.

It's good to hear both of you saying that after being involved—you've been there since 1977; Tom, I think, was from 1954 or whatever the year was. It's going back a ways.

I think it's important that people understand exactly the role that you play. You both said the same thing: trust, respect, knowing full well that our job is to make sure our members are being taken care of as well—or your members, I guess; not ours, or not mine.

Mr. Edward Chudak: I've always viewed a strike as a failure on both sides, and I'm not interested in failure. That's basically it. You strive not to fail. Ultimately, a strike that puts a number of people in jeopardy—and your own members, financially, too—is not something that you strive for. It's something that you strive not to get to, right? To do that, you have to be creative and you have to develop trust relationships and be able to be flexible enough to come to an agreement that's equitable for both parties.

Mr. Wayne Gates: I'll just close by saying thanks for coming here today and thanks for putting your name forward.

Mr. Edward Chudak: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Ms. Wong.

Ms. Soo Wong: Thank you, Mr. Chudak, for coming and expressing an interest in the Ontario Labour Relations Board. I've just read your background from the Clerk and the research department that shares with us that you have extensive labour negotiation and grievance process experience. Can you share with the committee, as the former head of collective bargaining with OECTA, how will you prepare yourself for your first grievance or the tasks with this particular labour relations board?

Mr. Edward Chudak: Basically the same way that I would when I was representing members of the grievance. You have to find the facts behind the situation on both sides, you have to assess the merits of the situation—the only difference being previously, I would be doing that as an advocate, so I'd be looking for the advantage to my side. I understand that the name of the game here is to consider things neutrally and to seek an equitable and expeditious solution.

Ms. Soo Wong: Okay. From your experience for a number of years with OECTA, what was the most difficult situation that came out from those negotiations, and

how did you come up with what I call a “win-win” for both parties?

Mr. Edward Chudak: The most difficult situations are always the ones where you reach an impasse and you're at the eleventh hour. Even way back when I was a local negotiator and I was negotiating for 1,500 people and negotiations were at an impasse—it's not very easy to sleep thinking about 1,500 people who aren't going to be getting a full paycheque and that type of thing. The way you get around that: Sometimes there is no getting around it, that's true, and sometimes you have to agree to disagree; but the way you get around that is to be creative about solutions.

Sometimes, for example, something that you really want, you may have to try to get incrementally over a number of collective agreements. After all, the collective bargaining process is also an education process for both sides, and people get familiarized with concepts and that type of thing. Sometimes, quite frankly, you appeal to the other side's sense of equity also, particularly with respect to gender issues, such as return from maternity leaves and that type of thing.

I don't know if that's a full answer, but—

Ms. Soo Wong: Thank you for expressing interest in the board. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Wong.

Thank you very much, Mr. Chudak, for joining us here this morning.

Interjection.

The Chair (Mr. John Fraser): Oh, sorry. Pardon me. My bad. I did it. I was way ahead of myself.

Mr. McDonell.

Interjection: No respect.

Laughter.

Mr. Jim McDonell: He's got a memory like mine.

Thank you for coming in today. I have four teachers in my family, four people who have—

Mr. Edward Chudak: My condolences.

Mr. Jim McDonell: Yes, although I will say my son never practised. He went on to do something else.

It's interesting with the Labour Relations Board. In some of the stats we see here, it states that 68% of disputes referred to it were either settled or withdrawn—

Mr. Edward Chudak: I'm having trouble hearing you.

Mr. Jim McDonell: Oh, I'm sorry. The vast majority, 68% of the disputes that are referred to the labour board are withdrawn or settled before they get there, and there is alternative dispute counsel available to the employers, the employees and the bargaining agents. Why would so many of these actually get to the labour board if they're never going to actually be heard, or withdrawn? Is there an incentive to send them there in the bargaining process?

Mr. Edward Chudak: I don't think there's an incentive to send them there. I think that's the natural course of things. You have situations where people may believe that they have a better case than they do have and at a certain point, let's say, they are convinced otherwise.

0940

There's a number of other reasons. I'm sure some of the reasons for withdrawal of the grievance are political, for the sake of the relationship and that type of thing, particularly if the point is not a huge point of dispute between the parties, a minor technical type of thing. There are those reasons. But the process is what the process is and I don't think that you can curtail people from going through a right under legislation. Hopefully you can educate them to do so with a judicious thought.

Mr. Jim McDonell: We see some of the issues or the cases involving alleged contraventions of the Labour Relations Act: 200 dismissed, 431 settled or withdrawn and only 23 granted, which is less than 5%. So you see a lot of these construction industry grievances—783 withdrawn or settled, 23 dismissed and 181 granted. I guess what you're saying is that sometimes even they get the best advice from the people who are working on their side, people want to see it go to the labour board even though they know it will be turned down because we see a huge backlog and time frame that—

Mr. Edward Chudak: Well, I can't comment on the construction industry. I've told you that my experience is totally in the education sector. However, I can tell you that if I do end up as a member of the labour board and I have an opportunity to look at the situation, it's something that's of interest. I like looking for solutions and to the extent that that's possible I think that everybody would have similar concerns. Right? That's about what I can tell you.

Mr. Jim McDonell: I guess with three current teachers in the family, I see some of the processes they go through, and some of the things—I wonder about the practicality. Especially in math and science, we have a lot of criticism of our system, how maybe we aren't achieving what we should. I see especially with young teachers, because I have two of them, when there are times, I'm sure—it's hard to believe—that they have a hard time getting teachers who are qualified in a certain area, like math and science. They take somebody that's not qualified, but they allow them to teach and then, later on in the process, once you've allowed somebody to teach math or science, even if somebody comes along who's qualified, it goes back to strictly seniority. So people are teaching high school math or science who aren't qualified, but because the board was short at one time and couldn't find a math teacher, which is, as I say—

Mr. Edward Chudak: That's not my experience. Under the Education Act, if you look for people who are unqualified, you have to seek leave to get that. But that's not been my experience at all.

As for the comment about how poorly we're doing in math and science, in the last statistics I looked at, which are a couple of years old, we're scoring very well on the PISA tests and that type of thing both as a country and provincially, both in literacy and on math and science. There are some problems in elementary schools with seeking specialists. That's probably the way that elemen-

tary schools have developed over time. I'm not in this sphere right now, but maybe it's time that we look at more specialization in elementary schools. I'm not sure if that's feasible or not.

Seniority varies from agreement to agreement. That's going to change, I take it, now that the teacher federations are into central bargaining with the provincial government. But I can tell you that from a personal perspective there's no joy in having an unqualified teacher in a technical subject like math or science or whatever, because eventually they're going to end up on the grievance end on performance issues and that type of thing—unless they can basically come up to speed on what they're doing.

Mr. Jim McDonell: I know just from seeing that actually happen, where somebody takes a letter on file saying that somebody has taught the course, so it deems them qualified, and it bumps somebody who actually has a university degree in it. So I just wondered about the merit, especially at the high school level, where you're looking at trying to—

Mr. Edward Chudak: I can't comment on that generally. I'd have to look at the exact situation. Again, that has not been my experience.

Mr. Jim McDonell: The Labour Relations Board must be impartial in its decisions and simply apply a relevant act. It's got to look at both sides.

Do you have any experience with the board from an employer perspective? From the point of the view of being a large union, you actually have a lot of employees, so have you seen both sides of it?

Mr. Edward Chudak: I did not act on the management side of the union at all. I ran a department, but I didn't have jurisdiction to negotiate terms or conditions or anything of that nature, no.

Mr. Jim McDonell: One of the references for both you and Mr. Collins is Paul Cavalluzzo, a prominent lawyer who represents the Working Families Coalition. Is that correct?

Mr. Edward Chudak: Yes, I know Paul Cavalluzzo. I wasn't sure if he represents the Working Families. I wasn't aware of that.

Mr. Jim McDonell: Okay.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. I'm sorry for not having recognized you earlier.

Mr. Chudak, thank you very much for being here this morning. We will consider the concurrences at the end of this meeting—we're going to consider them right now. Could you please step down? We will consider concurrences for this meeting. Thanks for being here.

Mr. Edward Chudak: Okay. Thank you very much.

The Chair (Mr. John Fraser): Okay, so we'll now consider the concurrence for Thomas Collins, nominated as a member of the Ontario Labour Relations Board. Could someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of Thomas Collins, nominated as a member of the Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried. Congratulations, Mr. Collins.

We will now consider the concurrence for Edward Chudak, nominated as a member of the Ontario Labour Relations Board. Could someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Edward Chudak, nominated as a member of the Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried. Congratulations, Mr. Chudak.

We have one more item of business: to consider a deadline extension. The deadline extension is for William Nicholls, nominated as a member of the Ontario Labour

Relations Board. So he expires—he doesn't expire, but his deadline is April 12. That's an unfortunate pun, but anyhow. So we need to extend that. Do we have unanimous agreement to extend the deadline to consider the intended appointment of William Nicholls, nominated as a member of the Ontario Labour Relations Board, to June 12? Do we have unanimous consent? Okay, we'll make that change.

Interjection.

The Chair (Mr. John Fraser): We're extending it to give ourselves enough time to have him—we'll have risen by then, but I think we'll have it done by then.

Mrs. Cristina Martins: Perfect. I agree.

The Chair (Mr. John Fraser): Thank you very much. The meeting is adjourned.

The committee adjourned at 0949.

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Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 21 April 2015

Journal des débats (Hansard)

Mardi 21 avril 2015

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 21 April 2015

Mardi 21 avril 2015

The committee met at 0902 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): Good morning, and welcome again to another Tuesday morning. We have a few intended appointees this morning, but we have some business to take care of in terms of subcommittee reports. I know we've got a couple. Can I have a motion to put it forward? Ms. Martins?

Mrs. Cristina Martins: Yes. Thank you, Mr. Chair. I move adoption of the subcommittee report on intended appointments dated Thursday, April 2, 2015.

The Chair (Mr. John Fraser): Thank you very much, Ms. Martins. Any discussion? All those in favour? Opposed? The motion is carried.

We have a second subcommittee report. Ms. Martins?

Mrs. Cristina Martins: Thank you, Mr. Chair. I move adoption of the subcommittee report on intended appointments dated Thursday, April 9, 2015.

The Chair (Mr. John Fraser): Thank you very much. Any discussion? All those in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MR. PIERRE TESSIER

Review of intended appointment, selected by official opposition party: Pierre Tessier, intended appointee as member, Champlain Local Health Integration Network.

The Chair (Mr. John Fraser): As I said, we have two intended appointees this morning. Our first intended appointment is Pierre Tessier, nominated as member of the Champlain Local Health Integration Network. Mr. Tessier, can you move forward?

Bonjour, monsieur Tessier. Merci d'être ici ce matin. Vous pouvez parler en français ou en anglais. Les services de traduction sont disponibles ce matin. Je parle français un peu.

I will continue in English. You have five minutes to make a presentation. Please feel free to speak in the language you prefer. As I say, we have translation services. Then, any time that you use will be deducted from the government's time. The questioning will begin with the government. Mr. Tessier.

Mr. Pierre Tessier: Thank you, Mr. Chair. I'll do most of my presentation in English, but I might, at some point, just switch.

Merci, monsieur le Président. C'est un honneur pour moi d'être ici ce matin. Comme introduction, ce que j'aimerais faire c'est d'adresser peut-être la question de la raison pourquoi j'ai postulé pour le poste de membre au « LHIN ».

There are two main reasons why I have put my name forward. The first one has to do with basically my background in management and my wanting to invest some time in the community in a different way from what I've perhaps done over the last 45 years. Now that I have a little bit more time on my hands, I'm being more specific as to what I would like to do and where I would like to invest that time. Health care is an area that I haven't been exposed to professionally, but in a second you'll see why I have been exposed to it as a parent or as an end user. That's my first reason, really: to try to make a difference wherever I can go, and, at the same time, feel that I'm contributing something to the community that I live in.

The second reason really is a personal one, and it's to honour my son, who depended on the Ontario health care system for 13 years until his passing 10 years ago.

On June 1, 1990, my wife and I became instant caregivers after my son had a motorcycle accident that left him quadriplegic. You can imagine what happens to a family when something like this occurs. We instantly became, not professionals, but we certainly had to become very well versed in what services were being provided and what he needed. We were exposed to the whole gamut of services, from emergency to being operated on three different times, to an emergency tracheotomy, to rehab, to being able to drive his own vehicle eventually, and buying a house and converting a house so that it could be accommodated for him.

Really, this is one way for me to say, "You know what? He's not there anymore, but I can certainly try to do something to maybe improve the conditions of people who are in the same condition."

During the last 45 years, I've held progressively more responsible positions in education, first as a teacher—not very long, but still, I was a teacher for a short while—then as the superintendent of business for the Eastern Ontario French Public School Board, which covered an area from Cornwall to Trenton and Deep River and Hawkesbury. It's very similar to the LHIN boundaries. In those five years I supervised the expenditure of over \$155 million worth of infrastructure.

Prior to that position, I was a municipal recreation and parks director and a chief administrative officer for various municipalities, one being the town of Hawkesbury—that was my first one—and then the township of Russell, then the city of Gloucester, and then Clarence-Rockland, which was the last one that I was the CAO for. I guess I'll put it this way: I've been working in community development since 1966, so all of my work has always related back to the community that I work in. I've been lucky to be able to work in an area like eastern Ontario.

I've had about four or five careers. In 2000, I was appointed by the provincial government to the transition board that was responsible for creating the new city of Ottawa. There were 11 local municipalities—I was a city manager of one—and a regional government. In the space of about 10 months, we had to create this new city called Ottawa. I think we did pretty well—at least, I remember the election night. The mandate that I gave my team was that the election results had to come in and we needed the results by 10 o'clock at night. We beat that by an hour. I think that was an indication of just how much work had to go into making a new city operational.

In the last two years, I've done consulting work because I've tried to retire three different times and I keep coming back to do other things. I currently hold a position of interim executive director for a national organization dedicated to the promotion of economic development for francophone communities across Canada. It's referred to as RDÉE Canada. I will probably be there for the next few months as they find a replacement for the executive director.

Finally, in the middle of the positions that I've just described, I was an employee of the government of Ontario, for the better part of seven or eight years over two different periods of time, with the Ministry of Economic Development and Trade. I was regional director for the eastern region for three years, which took me from Belleville to Cornwall—the big eastern Ontario—Chalk River, Deep River and so on. I've done every town and every county. I did 26 economic development strategic plans during that space of time, so I got to know the territory very well. I think that, in itself, would be very helpful for me if I was a member of the LHIN board, at least understanding the geography.

0910

Finally, I'm confident that my experience in labour relations and contract administration, negotiations, community development, strategic planning, financial management, capital development and so on will serve me well in the type of work that I think will be required at the board level.

Certainly I would be honoured to be chosen to be a member of the LHIN board.

Merci beaucoup.

Le Président (M. John Fraser): Merci, monsieur Tessier. Madame Lalonde?

M^{me} Marie-France Lalonde: Monsieur Tessier, merci beaucoup d'être ici. C'est un grand plaisir de vous

avoir parmi nous. Au nom des membres ici du comité, je voulais vous dire nos sympathies pour la perte de votre fils.

Écoutez, moi j'ai travaillé quand même dans le domaine de la santé pendant plusieurs années, et ce n'est pas facile d'aider et, comme vous dites, d'être parachuté dans une situation. Peut-être me parler un petit peu de votre expérience au niveau du système de la santé quand on regarde l'appointment que vous voulez au niveau du RLSS, et comment cette expérience-là va contribuer à l'amélioration du RLSS?

M. Pierre Tessier: Si je regarde sur le côté personnel, l'expérience que j'ai vécue avec notre garçon m'a fait voir le système de l'intérieur, c'est-à-dire comme un client, comme quelqu'un qui a besoin des services. Il y a du bon et il y a du moins bon dans tout ça. Puis, même si ça fait déjà 10 ans que mon fils n'est plus là, il y a des choses, je suis certain, qui n'ont pas changé. Il y a certainement eu des choses qui se sont améliorées.

Ce que je veux faire, c'est de prendre l'expérience que j'ai vécue, non seulement comme parent, mais comme professionnel. Ça fait quand même 45 ans que je travaille dans le domaine public, où je peux mettre en place et apporter des changements, trouver des solutions et puis de m'assurer que les services qui sont fournis sont fournis d'une façon équitable, mais qu'ils sont aussi fournis d'une façon où les résultats sont quantifiables. Je pense qu'il faut aujourd'hui voir comment est-ce qu'on peut identifier l'impact d'un service. Je pense que ce que je peux apporter à la table, c'est cette vision-là.

Je suis une personne qui regarde le gros portrait en premier, et ensuite, je vois un peu plus profondément—

Le Président (M. John Fraser): Monsieur Tessier, merci.

M^{me} Marie-France Lalonde: Merci beaucoup.

The Chair (Mr. John Fraser): Mr. Fedeli?

Mr. Victor Fedeli: Thank you very much, Mr. Tessier. I want to welcome you here.

I want to begin by first saying thank you very much for the incredible level of community service that you have participated in in the last several decades, especially the United Way. Thank you very much for your service. I, too, want to express my sympathy for the loss of your son which got you into this field to begin with. Thank you very much, and our condolences.

I want to paint a picture for you and then ask you how you would solve this. I live in North Bay. My riding is Nipissing. Just last week, the LHINs came out with their annual report, so I'm going to paint the picture of what we have and ask you, as a board member, what you would contribute to resolve the issue, if that's fair.

The average wait time for the CCAC in-home services grew to 70 days last year, well beyond the target that was expected and anticipated. Their goal was 48 days. That's despite spending \$63 million more than they did five years ago. We have seen missed targets in hip surgeries. Knee replacements, MRI scans and CT scans all missed their targets, and so did the 30-day re-admission wait for

the case mix groups, the mental health and the substance abuse patients.

You're a new board member. You walk into this. What would you do?

Mr. Pierre Tessier: As I mentioned a few minutes ago, my approach to most things is that I have to take a look at the big picture first. I need to understand what it is we're dealing with. You have to understand also that, since I haven't been on a LHIN board, I don't know the intricacies of the LHIN board, per se.

My questioning would be as to breaking down what it is that we're supposed to do, and then subsequently saying, "How are we actually doing what we're supposed to do"; in other words, keeping it down so that if we can identify ways and means to improve the way services are provided, or wait times are reduced, then I think we need to address those.

As a board member, I think I would question—I guess, in a sense, because I have less experience in the actual health field, the odds are I'm probably going to ask questions that are more difficult, for the one I'm asking the questions to, to respond to, because I'm asking it in part out of ignorance but in part out of curiosity, to see: Why are we doing this? Why is it being done this particular way and not some other way? Is innovation part of the issue? Are there are other mechanisms that we can use to provide the services? I think that's the approach that I would take initially.

Once I get immersed in more knowledge about the intricacies of what the LHIN board does, then my questioning might be a little different. But I still remain a person who looks at things in a very pragmatic way, and I try to find solutions from that standpoint.

Mr. Victor Fedeli: I appreciate that. Thank you very kindly.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you for coming here today. I went through a similar situation as my colleague here, as my mother-in-law took almost three months to get out of a hospital because they were assessing her to see if she could go to a nursing home. That was where she was going. She was 90 years old.

My wife became very frustrated, and, if you knew my wife, she can get a little upset once in a while. She went at the administration that was looking after this and asked them what the holdup was. "Oh, well, it's the paperwork," and all this other stuff—but there were beds waiting for my mother-in-law. She didn't want to miss this. She knew, everybody knew, that she was going to go, except nobody could seem to get this stupid paperwork filled out. That seems to be a frustration in this ministry, or with health care: the paperwork and the amount of work involved to do your job.

I wonder, sir: Have you had an experience with this type of thing? The paperwork is an endless trail, and patients shouldn't have to worry about that, which, with this prolonged period to do with my mother-in-law—she's lying in a hospital bed, which costs more money than where she was going. So we wasted health care dollars in that situation.

Mr. Pierre Tessier: Well, on a personal note, my wife and I did experience that a number of times during those 13 years. You're correct: People who are normally calm people tend to lose their temper at some point, because you get frustrated. You say, "Please do something."

I know in one case with my son, in one situation, I intervened because I was afraid he was going to die. That's a little different than waiting for a bed, but the idea is that—what bothers me the most in how we provide services is sometimes how we treat people, how we deal with them from the moment we come in contact with them, whether it's in an emergency department or whether it's another—because people would understand that there may be delays, provided that it's explained to them properly and that, in the meantime, if there are other means of providing care, that they have that care. But just making somebody wait for the sake of waiting would bother me.

Mr. Randy Pettapiece: It seemed in this case it was not about the patient; it was about—

Mr. Pierre Tessier: The system.

Mr. Randy Pettapiece: —the system, and it does get frustrating. I wouldn't have known this probably unless we had complaints to my office, but with my mother-in-law, we saw this first-hand. It is totally frustrating.

The Champlain LHIN's data insists that it is over-supplied with long-term-care beds and primary care physicians. However, this is not the reality on the ground. Cornwall and Stormont-Dundas-Glengarry report some of the highest rates of emergency department visits by patients with no access to a primary care physician, while the wait-list for local long-term-care beds can be up to three years long. The LHINs' data doesn't add up.

0920

Can you comment on listening to local concerns and responding to local needs when stakeholders bring them to your attention?

Mr. Pierre Tessier: Well, I can't comment on specific discussions I might have had with individuals with regard to that. What I would like to do as a board member is be out there in the community and actually start listening to some of the comments that might be made, bring that back to the table and say, "Look, we've got some problems in this particular area and we need to address them."

Mr. Randy Pettapiece: I think that's the focus of this question. Too often people get frustrated trying to get through the bureaucracy. I don't know; there's eight or nine layers in the health care department. It's incredible. People get frustrated with that. It almost looks like they want to get you frustrated so you leave them alone.

Mr. Pierre Tessier: Yes.

Mr. Randy Pettapiece: That's something that we don't want to see happen, especially with health care.

I'm glad to hear your answer that you would be willing to do that, because too often, that isn't the case.

The Chair (Mr. John Fraser): Mr. Fedeli?

Mr. Victor Fedeli: No.

The Chair (Mr. John Fraser): You're good? Thank you very much. Mr. Gates.

Mr. Wayne Gates: Good morning, sir. How are you? First of all, I'd like to offer my condolences with your son. I think the one thing that a lot of people don't realize is, when you have a loved one who has a serious accident, it is a real life-changing experience. You certainly find out how the system operates and some of the challenges that are out there. Without getting into any personal stuff, I understand it extremely well. I just wanted to offer that.

Mr. Pierre Tessier: Thank you.

Mr. Wayne Gates: It says here you're currently a self-employed organization consultant. I just thought: What is that?

Mr. Pierre Tessier: Well, it seems that in the last three or four years, I've been called in to take on some jobs in specific areas. For example, in the town of Clarence-Rockland, there was no CAO in place, so I was hired as an interim CAO to start with. Where I am now, that's what I'm doing.

What I like to do, also in organizational development, is to go into an organization like a municipality or a non-profit group and look at how they function and how they can improve the way they do their business. Some organizations are well-managed and others perhaps not as well. What I bring to the table is the practical knowledge of having done this for 40 years.

That's basically what I do. I parachute myself into an organization and then I try to turn it into something better than what it is.

Mr. Wayne Gates: I read your history and I noticed there's a lot of former this, former that, former this. I see where you've moved into a lot of organizations. I was a campaign chair of Niagara as well. It's a very rewarding job and it's something that stays with you your entire life.

I think you would agree with this: The health care system needs a lot of work. I believe, not knowing you, sir, but knowing what you went through, that's probably the reason why you would like to get involved. I think you came across some of the challenges that every parent does when they have a loved one—and I'm sure that's one of the reasons why you're here today.

One of the things I'm finding in health care, which is really disturbing, quite frankly: You have the LHINs; they get an envelope of money. They send an envelope of money down to the CCAC, and then they contract the work out. Through that process, a lot of health care dollars are disappearing because the company they're sending it out to wants to make money too. Then what happens is, quite frankly, they don't treat their workers the way they should because they're more interested in profits. Then that filters down into cutting the amount of time they're able or allowed by the private company to spend with a patient who really needs some care.

We're certainly seeing that in Niagara. I know the company is called CarePartners. We have a situation down in our area, but it's also up in the Hamilton area as well.

Do you believe we should concentrate more on keeping our health care publicly funded and publicly delivered so that every cent, every valuable dollar that we have in the province of Ontario—and I listen to it every day in question period, how we're fighting for every dollar—rather than continuing to contract out work that should be publicly funded rather than go to profit? I'd like to hear what your comments would be around private profit or publicly funded health care.

Mr. Pierre Tessier: I'm not sure that I'll be able to provide you a full answer on that, because I'd like to know more about how things are actually being done right now.

I think there's room in government to provide some private funding or private services. What's important to me is that, quite often, if you offer a contract to a company, if the standards by which they have to operate are not maintained, then you will have the result you're talking about.

I'm not going to go into whether they should pay their employees more or less. That's another area. But I think what's critical for me is, if we do provide a service like that, then they should be just as accountable as anyone else. So the results should be there as opposed to thinking that, because it's a private company, they can do what they want. I don't quite believe that.

I'm a bit of an entrepreneur myself, but I call myself a public entrepreneur. I've done many projects using the private sector, but the key is in how you create that contract or that agreement up front so that the services are delivered. They should be seamless. The client or the patient should not know the difference between who does what, in my view.

Mr. Wayne Gates: I can tell you, that's not what's going on. Hopefully, when you get there, you take a look at that because I think we're losing valuable health care dollars and what's transpiring is, the private companies are there to make money. They are not there to take care of the patient, and the patients are suffering right across the province of Ontario.

When you're told that you have seven minutes to take care of a patient, if you can imagine—and I'll use not yourself or even myself—where you have a loved one, you know they have seven minutes to change them, do everything they're supposed to and they've got to be on the road to go do somebody else. That's piecemeal, and that's not the way we should be doing health care. But that's a different story.

I will finish with one tough question, if you don't mind. You're from Ottawa?

Mr. Pierre Tessier: Yes.

Mr. Wayne Gates: Who are you cheering for, Ottawa or Montreal?

Mr. Pierre Tessier: Oh, that's a tough one.

Mr. Victor Fedeli: Just say Toronto.

Mr. Pierre Tessier: No. My son-in-law and my three grandsons are all Toronto fans. So grandpa has to decide between Montreal and the Sens. I grew up with Montreal through my life, but now I'm a Sens fan.

Mr. Wayne Gates: Good for you.

Interjections.

The Chair (Mr. John Fraser): Thank you very much, Mr. Tessier. Thanks for being here this morning. We'll consider the concurrences at the end of the meeting. Thank you very much.

Mr. Pierre Tessier: Thank you. It was a pleasure.

The Chair (Mr. John Fraser): You may remain, if you wish.

Mr. Pierre Tessier: I enjoyed it. Thank you very much.

The Chair (Mr. John Fraser): Thank you.

MR. KURISUMMOOTIL JOSEPH

Review of intended appointment, selected by official opposition party: Kurisummoottil Joseph, intended appointee as member, council of the College of Occupational Therapists of Ontario.

The Chair (Mr. John Fraser): Our next intended appointment is Mr. K.S. Joseph, nominated as member of the council of the College of Occupational Therapists of Ontario.

Mr. Joseph, thank you for being here this morning. You will have 10 minutes to make a presentation. Any time you use will be taken away from the government's time for questions, and our questioning will begin with the official opposition.

Mr. Joseph.

Mr. Kurisummoottil Joseph: Good morning. My name is Kurisummoottil Sebastian Joseph, commonly known as K.S. Joseph. I started working for the then Juvenile and Family Court as a court reporter in April 1967, one month after I arrived in Canada.

In 1976, I was appointed as the court administrator of the provincial court, family division. Later that year, I was appointed as a justice of the peace. In those days, it was a dual function.

In the fall of 1989, the ministry approached me to take over as the regional manager of the family support plan in Thunder Bay, which I accepted for a period of five years—it was a five-year secondment period—on the assurance that after the secondment, I would be given back my original position with the courts. On the terms I dictated, I accepted that position.

0930

I was also concurrently appointed as the regional manager of the family support plan in Oshawa for a period of six months, which required me to travel: fly to Toronto every Sunday, work at Oshawa Monday, Tuesday, Wednesday and Thursday, fly back to Thunder Bay on Thursday night and work in Thunder Bay on Friday. This continued for six months.

After I completed that, they asked me to take a one-month position at Sudbury. This was in addition to my Thunder Bay responsibilities. I was sort of the ministry's troubleshooter.

After the completion of that in August 1995, when the new Courts of Justice Act was proclaimed, creating the

Ontario Court of Justice and the Superior Court of Justice, I was given the option either to stay with the ministry or go back to the court. I accepted to go back to the court as a justice of the peace, where I worked until August 2004.

In October 2004, I was appointed to the dental college, the Royal College of Dental Surgeons of Ontario, where I worked on the discipline complaints committee, which is now called the ICRC—the Inquiries, Complaints and Reports Committee—and the Quality Assurance Committee, and I was elected to the executive committee of the college three times. That was completed in October 2004.

In January this year, I looked through the Internet to see which health care agency had any vacancies. I found out that the occupational therapists college has a vacancy, and I applied for that position.

In my community service, I worked as a member of the board of governors of St. Joseph's General Hospital in Thunder Bay for a period of 15 years. I was also president of the family development centre of Thunder Bay for a two-year term. I was a founding member of the India Canada Association of Thunder Bay and served as its president for two terms. I have been a member of the Rotary Club of Thunder Bay for the past 28 years.

On a personal note, I have been married to my wife for the past 51 years—I may not look that old—and I have two sons; one is practising criminal law in Thunder Bay and the other one is a high school teacher in Thunder Bay. I am blessed with five grandchildren. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Joseph. We'll begin with the official opposition. Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Mr. Joseph. Fifty-one years of marriage: We don't hear that very often in Ontario or Canada, so congratulations. My wife and I are working on our 29th.

Mr. Kurisummoottil Joseph: And you also won't believe how old I am.

Mr. Victor Fedeli: You know, my mother turns 82 next month, and I'm telling you right here: She lives on her own; I wouldn't want to arm-wrestle her. I can guarantee you who the victor in that one would be, and it would not be me.

Thank you also for your years of service. You have a very impressive resumé. I'm quite impressed with what I have read. Thank you for all of the volunteer work you've done and for your past service with the college of dental surgeons. We need your expertise level in Ontario. We're grateful that you share it with us.

With that, I'm going to approach this—and it may sound very uncomfortable, the approach that I want to take, but you have a job coming up in this role that talks about transparency and accountability. I want to go a little bit into the past and ask where you would have gone with some issues of transparency and accountability.

Let me read how the college describes this issue. They say, "As the public demand for more information about complaints and outcomes increases, it is incumbent on

the college to determine what information should be shared in the public interest.”

I want to ask you about transparency and accountability because I sat in this very chair for a year during the gas plant scandal hearings. I sat right in this very chair, summer and winter, with very little breaks ever, so we could get to what we hoped would be the truth. Eventually it took the Auditor General to disclose the actual truth. We got the former Premier telling us that the cancellation of the gas plant in Mississauga would be \$290 million, and the cancellation of the gas plant in Oakville being \$40 million—they were referring only to ratepayers. They didn’t want us to know the taxpayers’ cost—

Mr. Granville Anderson: Point of order: How is this relevant to this position? I think the member is off track there.

The Chair (Mr. John Fraser): Thank you very much. Mr. Fedeli, if you—

Mr. Victor Fedeli: Thank you very kindly. I’m talking about transparency and accountability, so I’m presenting what happened.

I’m going to ask the—

The Chair (Mr. John Fraser): If you could get to your question, that would be great.

Mr. Victor Fedeli: Yes, I was almost there. I’ll just review where I left off, then.

The government said that the cost to ratepayers was \$230 million, but the Auditor General disclosed that it was \$1.1 billion because first he and then she—the Auditors General—showed us what the whole cost to the taxpayer was. If you were presented with this dilemma when you were asked a question, how would you have answered that? Which would you have told us?

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Kurisummootil Joseph: My principle and my policy—

The Chair (Mr. John Fraser): One second, Mr. Joseph.

Mr. Wayne Gates: I sit back and listen most of the time, but you know what? I don’t really think that this individual is here to be answering that type of question. I understand what he’s trying to do—

Interjections.

Mr. Wayne Gates: I have the mike. Please let me explain. I believe that we have to be fair and reasonable to the witnesses who come here. We all understand and we all have our opinion on where the gas plants have gone. We’ve listened to it for a long time. I really don’t think it’s fair to have any individual come into this room and be asked these types of questions.

I have the same question here in front of me, quite frankly. I think the lead-up to the question is fair; I think accountability is a fair question. But tying it into something else for this gentleman is unfair. I just thought I’d echo the comments made by the other side.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

You’re at your question now, so—

Mr. Victor Fedeli: Yes, I appreciate your opinion. My question is: How do you handle this moral dilemma? Which side do you fall on—true disclosure or holding something back from the public?

Mr. Kurisummootil Joseph: I would always urge all government agencies to be transparent and accountable to the public. That is what I did when I was at the dental college, because they were not posting most of the information on the website.

Mr. Victor Fedeli: “Were” or “weren’t?”

Mr. Kurisummootil Joseph: They weren’t, and they were reluctant. I urged that. Especially with a member who was cautioned by the complaints committee, they were reluctant to do that. I said, “Why? The public has a right to know what happened to that member, because the public has the right to choose who they want to treat them.” So finally, they have now put that.

I would even go further. If there is a complaint and the committee has found that person deficient in something and ordered some additional training or qualification, that should also be posted on the website, because what are we going to lose? Being open and transparent to the public is more successful for both parties. It will help the member and also the college.

Mr. Victor Fedeli: I’m very, very satisfied with his answer. Thank you very kindly.

The Chair (Mr. John Fraser): Thank you, Mr. Fedeli. Mr. Pettapiece, you have a little under three minutes.

Mr. Randy Pettapiece: Three minutes? We had been working with an issue with the Ministry of Agriculture and Food. It had to do with bees and the neonics business. You don’t need to understand that part of it; this is an insecticide the farmers use. We had been working with the ministry, and we had all long believed that they were going to use scientific analysis to make the decisions. Then all of a sudden, the Ministry of the Environment hit us with a ban on these things in a couple of years. So that’s what we have been facing.

If the government is going to make a decision, I think all partners should be involved in the decision so that you know where they’re coming from. From your answer to my colleague here, I think that’s where you stand: Knowledge is better than no knowledge; information is better than no information.

Mr. Kurisummootil Joseph: That’s right. We should be up front with the public.

Mr. Randy Pettapiece: In general terms, what types of complaints did you deal with at the college?

Mr. Kurisummootil Joseph: I have dealt with almost all kinds of complaints: sexual harassment, sexual assault, fraud, lack of proper dental treatment—

Mr. Randy Pettapiece: Lack of—

Mr. Kurisummootil Joseph: Lack of proper dental treatment.

Mr. Randy Pettapiece: Oh, I see. Okay.

Mr. Kurisummootil Joseph: Then shoddy treatment, excessive billing—almost all kinds of complaints

we receive. Some of them are very trivial, but to the person, to the public person who made the complaint, it's a big thing for them. The college has a duty to make sure that we deal in a fair and transparent way with the complainant.

Mr. Randy Pettapiece: Thank you. I'm finished. Thank you, sir, for coming.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Mr. Gates.

Mr. Wayne Gates: I don't have a lot of questions for the witness. The one that I wanted answered was on transparency and accountability.

I notice on some of the things that you did, it said "regional manager of the family support plan." I find that kind of interesting, considering that you are married for 51 years. It's kind of interesting. I just thought I'd throw that out there. It doesn't make a lot of sense, but it is kind of interesting that—it's a very tough job, the family support plan.

Mr. Kurisummoottil Joseph: When I was working at the courts—the court enforces its own orders on all court orders for support and family support. I was very successful because I dealt with the public in a way that was reasonable and fair to them.

When the new family support plan was enacted in 1986 at the new offices—eight regional offices were formed—the then Attorney General, the late Ian Scott, decreed that 50% of wages should be garnished if the support payer is in arrears and hasn't been making payment. When I took over the office, one thing I did was I went on the public radio in the northwest region on a talkback show and informed the support payers, first of all, of the reason why the act was enacted. I told them it is not fair that I, or other people, pay support for their family. It is their duty. But I am prepared to accept, if they are prepared to pay the ongoing support plus something else on the arrears. I am prepared to sit with you and work out a solution. But I am not prepared to let you spend \$200 for cigarettes every month and \$200 for alcohol while your family is starving and the public is supporting them. I said, "I cannot accept that." After I found that it was successful, then I wrote to the director, and the minister changed the policy.

You deal with the issue, not the personality. If you deal with the issue, you can win. It can be a win-win situation.

Mr. Wayne Gates: In fairness to the other witness who was before you: Montreal or Ottawa—who are you cheering for?

Laughter.

Mr. Kurisummoottil Joseph: I knew the regional manager there, but you know, all people are—you see, I find it is mainly the manager's problem. Everywhere I was sent, the manager was the problem. They do not know how to deal with their staff. They treat it as, they are the boss. No. I said, "We are on a team. We are paid by the public to do a service for them. You teach your staff. If they don't know the job, teach them. Train them. Let them know."

When I went to Oshawa, they had serious problems because it was a union town. The union president was one of the staff members. The person first came to me and introduced to me: "I am so-and-so, Mr. Joseph. I hear that you came here to fix me." That was the introduction of that person. I said, "No. I, through my government, and you, through the union, made an agreement. The agreement was that I will pay you every second Thursday this much money, provided you put this much service to me. I'm here to make sure that if you provide the service, I will guarantee that your salary will be in your bank account every second Thursday, and I want a commitment from you." Finally, in six months, I changed that office.

So you deal with the issue. If the staff needs help, help them. If they need training, arrange training for them. But don't shout at the staff. That's what was happening.

Mr. Wayne Gates: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Ms. Vernile.

Ms. Daiene Vernile: Mr. Joseph, I want to thank you for all of your years of public service in your community and in this province. You obviously have a very impressive and varied background.

Thank you for travelling here today from Thunder Bay. You came from Thunder Bay to be here with us today.

We all want to know what the secret is to 51 years of successful marriage. I've been married 30 years—I was a child bride, I like to tell people. But we'll chat about that later.

I want to offer you apologies on behalf of this committee that you were subjected to a line of questioning that really does not relate to the position that you are here for.

Interjections.

Mr. Victor Fedeli: Chair, point of order.

The Chair (Mr. John Fraser): Point of order.

Mr. Victor Fedeli: That is absolutely ridiculous, Chair. There is nothing to apologize for in a line of questioning about transparency and accountability. I will apologize for the government's abysmal record on transparency and accountability.

I'm thrilled with your answer. I wish you were there—

The Chair (Mr. John Fraser): Thank you very much, Mr. Fedeli. I'd ask that you direct your comments to the Chair.

Ms. Daiene Vernile: Mr. Joseph, you are here to talk about a position with health care, and that is what I will speak about. I will ask you about that and not go off track.

You have heard that Minister Hoskins is asking health colleges to review improving transparency and accountability at colleges. Tell me what approach you would bring to that.

Mr. Kurisummoottil Joseph: I do not know much about occupational therapists, because I haven't been there yet. But in the dental college, which is what I was doing, I urged the members—I addressed the council to

inform them that the public has a right to know what we are doing here. They had all the discipline committee's decisions posted on the website. They never had anything else. I said that the public has a right to know. If you caution a member for some serious offences or complaints, then the public has a right to know, because a caution is one step below the discipline. It's a very serious matter; the next step is referring it to discipline. Then they started putting that.

Then I said, "If a member is lacking in proper training, and we order them to take training, that fact should be on the website." The public has a right to know what kind of deficiency this person has, because they are the ones who are choosing which doctor they should be treated by. That information—it is better to be on the public record.

Ms. Daiene Vernile: By passing the accountability and transparency act, our government has demonstrated that we are very much committed to this, despite the fact that the opposition did not support us on that particular bill.

If you are appointed to this board, what is your number one priority?

Mr. Kurisummoottil Joseph: Transparency and accountability, because we are accountable to the public. That should be there all the time. That is what I will urge the council to take action on.

Ms. Daiene Vernile: We mentioned that you have a very impressive and varied background serving on so many other boards, and you've had other responsibilities. How will those experiences inform you if you are to be put on this board?

Mr. Kurisummoottil Joseph: Well, especially at the dental college, I am a good negotiator. I can resolve conflicts, because I address the issue, not the personality of the person. If you address the issue, then it will be a win-win situation for the management and also for the staff. On any issue, you deal with the issue and resolve it.

Ms. Daiene Vernile: I thank you very much, and I'm so happy that I chatted with you specifically about health care, which is the reason why you're here today.

Mr. Kurisummoottil Joseph: Yes, I am interested in health care because I believe health is number one, then wealth. What good is it if you have all the wealth of the world and you have not got health?

Ms. Daiene Vernile: You are so right. Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Joseph, for being here this morning. You may step down. We'll be considering concurrence immediately after you sit down.

Mr. Kurisummoottil Joseph: Thanks very much.

The Chair (Mr. John Fraser): We'll now consider the concurrences. The first concurrence we will now consider is for Pierre Tessier, nominated as member of the Champlain Local Health Integration Network. Could I have someone please move this concurrence? Ms. Martins.

Mrs. Cristina Martins: I move concurrence in the intended appointment of Pierre Tessier, nominated as member of the Champlain Local Health Integration Network.

The Chair (Mr. John Fraser): Thank you very much, Ms. Martins. Any discussion?

Mr. Wayne Gates: Can we have a recorded vote, please?

Ayes

Anderson, Fedeli, Gates, Lalonde, Martins, Pettapiece, Vernile.

The Chair (Mr. John Fraser): Carried. Congratulations. Félicitations, monsieur Tessier.

We will now consider the concurrence for Mr. Kurisummoottil Joseph, nominated as a member of the Council of the College of Occupational Therapists of Ontario. May I have somebody please move? Mr. Anderson.

Mr. Granville Anderson: I move the concurrence in the intended appointment of Mr. K.S. Joseph, nominated as member, Council of the College of Occupational Therapists of Ontario.

The Chair (Mr. John Fraser): Thank you very much, Mr. Anderson. Any discussion? Mr. Gates.

Mr. Wayne Gates: Same again: A recorded vote, please.

The Chair (Mr. John Fraser): We'll have a recorded vote on this as well. Any other discussion?

Ayes

Anderson, Fedeli, Gates, Lalonde, Martins, Pettapiece, Vernile.

The Chair (Mr. John Fraser): It's carried.

Congratulations, Mr. Joseph. Thank you very much for being here this morning.

We have one other order of business this morning, and that's for the extension of the deadline for considering the appointment of Katie Mahoney, nominated as a member of the Council of the Ontario College of Pharmacists, to May 26, 2015. Is there an agreement on that? Are we all good? Thank you. Carried.

Adjourned. Thank you very much.

The committee adjourned at 0952.

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STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 5 May 2015

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 5 mai 2015

*The committee met at 0901 in committee room 2.***The Chair (Mr. John Fraser):** Good morning, everybody. You're just about at a late slip.

Good morning, Wayne.

Mr. Wayne Gates: How are you, buddy?**The Chair (Mr. John Fraser):** Very good. Nice to see you. Welcome back. I missed you all last week.*Interjections.***The Chair (Mr. John Fraser):** No, I did. Tuesday morning just wasn't the same.

SUBCOMMITTEE REPORT

The Chair (Mr. John Fraser): We have two intended appointees this morning, but first we have a subcommittee report. Mr. McDonell?**Mr. Jim McDonell:** I move the adoption of the subcommittee report on intended appointments dated Thursday, April 30, 2015.**The Chair (Mr. John Fraser):** Thank you very much, Mr. McDonell. Any discussion? All those in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MS. KATIE MAHONEY

Review of intended appointment, selected by third party: Katie Mahoney, intended appointee as member, Council of the Ontario College of Pharmacists.

The Chair (Mr. John Fraser): As I said, we have two intended appointees this morning. The first is Katie Mahoney, nominated as member, Council of the Ontario College of Pharmacists. Ms. Mahoney, can you come forward, please?

Thank you very much for being here this morning. You will have the opportunity to make a brief statement. Members from each party will have 10 minutes to ask you questions. Any time that you use for your brief statement will be taken from the government's time. The questioning—Mr. Gates, you mentioned something to me earlier.

Mr. Wayne Gates: No, I'm good.**The Chair (Mr. John Fraser):** You're good?**Mr. Wayne Gates:** Yes. Thank you.**The Chair (Mr. John Fraser):** The questioning will begin with the third party.**Mr. Wayne Gates:** Can we start with the second?*Interjections.***Mr. Wayne Gates:** All right.**The Chair (Mr. John Fraser):** Is that a no or yes?**Mr. Wayne Gates:** No, it's fine.**The Chair (Mr. John Fraser):** You're fine? Okay. The questioning will begin with the third party.

Ms. Mahoney, you can—

Ms. Katie Mahoney: Thank you. It has been a long time since anyone fought over me. So that's good.**The Chair (Mr. John Fraser):** There we go. All right. Well, that's good.**Ms. Katie Mahoney:** Good morning to the committee. It's my pleasure to be here, and I'd like to thank the committee for giving me the opportunity to chat with everyone today and to respond to any questions or issues that you might have.

Again, I'm Katie Mahoney. I am a long-time resident of the city of Mississauga—over 45 years. For the past 23 years, I was an elected member of the council of the city of Mississauga and the region of Peel, serving my constituency in ward 8 in the city of Mississauga. During that time, I have had an awful lot of experience in a wide variety of roles—boards, commissions, committees, subcommittees and ad hoc committees. I'm sure all of you, as members of the Legislature, are aware of the vast array of committees and issues that come before the committees.

I made a decision about two years ago that I was going to be retiring. I felt that after 23 years, and I just turned 65—so it was my time to retire and take life a little easier, but at the same time I didn't want to lose the challenge of intellectual challenges, the ability to work within a public sector organization and offer whatever talents and experiences I have. So I started at that time, a couple of years ago, to browse the website of the Public Appointments Secretariat and actually made an application for three or four different committees that I felt would serve some of the experiences where I could—the experiences that I had had and the opportunities. I received a contact from this committee and I'm very pleased to have my name submitted as a member of the council of the college of pharmacy.

I'd be pleased to answer any questions or chat about any issue.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.**Mr. Wayne Gates:** So you're retired?

Ms. Katie Mahoney: I retired November 30 of last year, yes.

Mr. Wayne Gates: You look too young to be retired.

Ms. Katie Mahoney: They say that you know when it's time, and I kind of knew when it was time. Again, as elected officials yourselves, you know that you can't necessarily retire in the middle of a term, so four more years—you know, it's not like you can say, "I'll retire next year or in six months."

Mr. Wayne Gates: Well, I was a city councillor and I enjoyed my time as a city councillor. It's very rewarding. Especially if you're a city councillor in Mississauga, I'm sure you had a very interesting time over those years.

Ms. Katie Mahoney: Yes.

Mr. Wayne Gates: So what's motivating you to seek the appointment? Why would you want to do this?

Ms. Katie Mahoney: Well, again, after you—as you indicate—were a member of city council and you know sort of the vast array of issues and things that you deal with, retiring completely was sort of out—not out of the question at all. I've got to admit, I've not done much over the last three months, and I've loved every minute of it. But intellectually, I know I need that stimulation, and I know that I have a lot to offer in the public realm. But I don't want to do anything full-time. I want to contribute where I can on a part-time or a lesser basis.

Mr. Wayne Gates: That kind of follows up to the next question. You know the requirements of the time commitment. Has anybody told you how much—

Ms. Katie Mahoney: Oh, yes. Again—

Mr. Wayne Gates: Why don't you tell me?

Ms. Katie Mahoney: There are four meetings—four actual board meetings a year, the two-day board meetings. Each member is expected to serve on a minimum of three committees, which—and I believe there are five; there are standing committees and subcommittees. So there's quite a number between the two. It could be up to 36 days a year, or it could be a lot less, depending on the business of the standing committee or the subcommittee at the time. So I'm prepared for that. I'm fully committed to a maximum of 36 days a year.

Mr. Wayne Gates: Okay. I spent a lot of time over the last year actually meeting with a lot of pharmacists, and some of the things that are going on I personally believe could be positive on cutting down on some of our health care costs and some of the needs for people to go to the doctor. One of the things that they're doing is flu shots. What's your position on that?

Ms. Katie Mahoney: My flu shot this year, I got with my pharmacist at Shoppers Drug Mart, and it was a great experience. So absolutely, I think we need to be utilizing our pharmacists. They're well trained and have spent lots of years in their profession and in their training and are well qualified. In other jurisdictions within this country, and certainly within North America, pharmacists have a lot more responsibility than we in Ontario in the past that have provided to them. So if a pharmacist can—the costs would be less for pharmacists to administer things like

flu shots and different other public-health-type medicines and inoculations.

Absolutely, it is cost-efficient. It is efficient for the consumer to be able to go into Shoppers Drug Mart as opposed to perhaps make an appointment with their doctor or other walk-in clinics. The health care system will benefit financially from that as well. It's a win-win all the way around.

Mr. Wayne Gates: Yes, because actually they're—and I'm sure you'll hear a lot of this if you're appointed to the board. They're looking to expand their scope, trying to free up doctors' offices, particularly with the other one that they're very good at, checking blood sugar for diabetes. I got my flu shot this year at the pharmacy in Niagara-on-the-Lake, Simpson's pharmacy. So I think it's—

Ms. Katie Mahoney: Not the old one—not the pharmacy? No. Okay.

0910

Mr. Wayne Gates: No, but I think it's something that's important to free up doctors' time so that they can take care of some of the more pressing needs rather than five or 10 minutes in the office. I'm glad that you agree to that.

I would like to ask you a little bit about your city council role. What was some of your role while you were at city council for all those years?

Ms. Katie Mahoney: Just to be clear, I was both at the city of Mississauga and the region of Peel, so I served on two separate councils, although we did work together, obviously. I served on boards and committees through both of those councils.

Interestingly enough, one of the reasons that perhaps brings me here today: I started out my career serving on—some of you may not have even heard of it—the district health council. It was sort of a forerunner—it was a planning board for health care. I feel like an ancient saying it, though, that I actually served on one of those. It was an OIC at the time.

As district health councils were phased out, the LHINs came into place. The regional level of government, the region of Peel, was responsible for long-term care for seniors. I led the team doing the transition from taking seniors' care and long-term care from the region of Peel. It was deemed that that care should then come under the wing of the LHINs. So I worked with the region of Peel staff, the LHINs, and the Ministry of Health and Long-Term Care at that time to better ensure a good transition for particularly, obviously, the elderly and the seniors and those in need, but as well the staff. There were union negotiations and lots of things.

The library board: I served on the library board for many years; as well, heritage, the Credit Valley Hospital board of governors, Enersource board of governors—Enersource is the public electrical hydro utility within Mississauga—the planning committee. You know, whenever I try and think of all of these areas, it just is overwhelming—the Living Arts Centre, which is arts and culture. So the gamut from arts and culture, health care,

social services and the usual stuff, the planning, the budget—I must admit to all of you that the budget was never my favourite, but we got through it always—and responding to the citizens of ward 8 in the city of Mississauga. That was a particularly fulfilling job. I made a lot of good friends, good relationships, got taught a lot by the people that I represented, and we worked well together.

I believe I work well with the general public, and as a member of the public serving on this committee, I think it's important to open transparency with the work of the council, and that is what I do.

Mr. Wayne Gates: Well, I can tell you, we're not having any more fun with our budget either here. Budgets are always a challenge on the best of days at, I think, all levels of government.

Ms. Katie Mahoney: I believe so.

Mr. Wayne Gates: No matter what you do there, I think you're always going to have some interesting times.

Ms. Katie Mahoney: You're darned if you do, you're darned if you don't. Yes.

Mr. Wayne Gates: It is what it is.

The Pharmacy Act of 1991: Are you familiar with it?

Ms. Katie Mahoney: Yes, I've gone through the act. Sometimes it is tough slogging through some of those acts, but I have pretty much read it through and I understand it.

Mr. Wayne Gates: Are there any concerns under the act that you'd like to bring forward to either—well, hopefully to improve it?

Ms. Katie Mahoney: Well, I think I need to get boots on the ground to better understand what I read in a document full of legalese and subsections and sections and what actually is sort of happening out there. Being on the committee and on the board, I think, will be helpful to better understand the needs that may be there in order to make amendments to make changes to the act and update the act; 1991 is a long time ago.

Mr. Wayne Gates: That's why I was thinking that maybe there would be some room for improvements, and one that I questioned you on even earlier. I've been meeting with pharmacists right across my riding, and they're saying that the act has to be changed and improved for the reasons that we talked about around expanding the scope of their work. I think if you talk to particularly seniors, because I've had that opportunity as well, seniors are liking the convenience of being able to go to their drugstore.

Quite frankly, they're going to the drugstore more and they seem to be more friends or closer to them than they are to their doctors nowadays. They feel, when they go to the doctor, the doctor has got 15 minutes to get them in and get them out—you know, their room was full.

So I think expanding their scope is a really good idea. I think it started with the flu shots. I can tell you that I went and got my sugar checked there. It was after I had chocolate milk, and I was surprised how it can jump up pretty quick with drinking chocolate milk, but it does. I think that's all good stuff. I think that's something that, if

you're appointed, you should really focus on improving their scope. I think it's a benefit, a win-win for everybody.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Interjection.

The Chair (Mr. John Fraser): You're done already. Time flies when you're having fun.

Mr. Wayne Gates: Thank you. It's my pleasure.

Ms. Katie Mahoney: My pleasure too, Mr. Gates. Thank you.

The Chair (Mr. John Fraser): Thank you. Madame Lalonde?

Mrs. Marie-France Lalonde: Good morning.

Ms. Katie Mahoney: Good morning.

Mrs. Marie-France Lalonde: How are you doing?

Ms. Katie Mahoney: I'm well, thank you.

Mrs. Marie-France Lalonde: Good. Thank you very much for being here today. I'm a Rotarian. I don't have my pin, but congratulations on your Paul Harris award. This is a huge accomplishment, so congratulations.

Ms. Katie Mahoney: It is, thank you. I do appreciate that.

Mrs. Marie-France Lalonde: I guess thank you also for all your years that you've served your community. I'm new, moving forward, as a politician, so it's refreshing to see someone coming forward and still wanting to be involved. So thank you for that.

Ms. Katie Mahoney: Thank you. It's a very rewarding role.

Mrs. Marie-France Lalonde: Ms. Mahoney, the minister, when he talks about colleges—the College of Pharmacists—he talks a lot about being very transparent. He makes sure that transparency is going to be something that will be a priority. Can you maybe tell me a little bit of your view on this?

Ms. Katie Mahoney: I guess I have to say, coming from a municipal sector where openness and transparency are sort of what you do—the Municipal Act calls for that. I have to say, during my time in Mississauga—I'm obviously not going to speak to every municipality, but certainly within the region of Peel and the city of Mississauga, I believe there was openness and transparency. When there was not, members of council, myself included, would oftentimes question, “Why are we going in camera on this matter? Why is this not being released to the public?”—those sorts of things.

So it is very important to me as a consumer, as a member of the general public, and someone who has represented the public who needs to have all aspects of all of the issues that come before, in this case, the college—obviously if they don't include personnel matters and legal matters and the sorts of things that until such time as they can become public. But when the time is there for matters to become public, they need to be done so in a smooth manner.

Mrs. Marie-France Lalonde: That's good. I think you've covered it a little bit with MPP Gates, but maybe just for me, the district health council—you referred to

that. Can you maybe explore a little bit what was your role? What were sort of the benefit and your challenges being on that council?

Ms. Katie Mahoney: Well, the challenge is that it was the first thing I was appointed to as a newly elected councillor. I had no idea what I was doing there. I also had no idea that an order in council—in those days, it took a year for the order in council to come through. So I didn't have any voting ability until the OIC came through—

Interruption.

Mrs. Marie-France Lalonde: That's okay; don't worry. It's just a board in the front.

Ms. Katie Mahoney: Okay. The district health council at that time was responsible for the planning of health services across the province—again, similar to what the LHINs do now, but the LHINs' role got expanded—as well as the budgets of the hospitals within their jurisdiction, which I always found a little odd. There were very detailed reports and work on the health planning: of course, all the stats and all of the academics who brought together demographics, immigrant population, that sort of thing, so planning for what are we going to be looking at within the future in health.

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Smoking cessation at that time was emerging. Bullying was not on the horizon, but all of those things that lead always to mental health. It still continues to be an issue today, that we're not putting enough resources in that sector. It's in dire need of more assistance and attention, and—

Mrs. Marie-France Lalonde: And I would say that this week is the week of mental health and addictions, so it's—

Ms. Katie Mahoney: Yes, it is Mental Health Week.

Mrs. Marie-France Lalonde: —an important week.

Ms. Katie Mahoney: Yes. So it was health care planning, so which medical facility would take the role and responsibility within different disciplines: cancer care, early years care, that sort of thing. But what I found at the time was that there appeared to be a lot of layers between the Ministry of Health, the hospitals and all of the different disciplines, and nobody seemed to be in sync. Again, that first year when I was there, it was sort of, "Are these guys the good guys or the bad guys? Are we working together?"

Mrs. Marie-France Lalonde: It's only good guys in health care.

Ms. Katie Mahoney: It was a good learning experience, and it did a lot of good work. I'm not being negative. The district health council did do a lot of good work. It was a good organization for its time.

Mrs. Marie-France Lalonde: Well, I know for my part, based on your past experience and everything, it'll be a pleasure to hopefully have you serving on this board.

Ms. Katie Mahoney: Thank you. I appreciate those comments.

Mrs. Marie-France Lalonde: Thank you for appearing here.

The Chair (Mr. John Fraser): Thank you very much, Madame Lalonde. Mr. McDonnell?

Mr. Jim McDonnell: Thank you for coming out today. I guess it's kind of nice to enter retirement after a long session, especially with the public service and councils. It's certainly something that fills up any extra time you have.

Ms. Katie Mahoney: Yes.

Mr. Jim McDonnell: With your appointment to the college, would you see any committees that interest you as far as your appointment to the board?

Ms. Katie Mahoney: I think they all interest me. Obviously, some of the more technical ones that would relate specifically to being a pharmacist might be a large learning curve, but I'm willing to get on that curve.

No, I think I don't necessarily have any preference. I think wherever I may get appointed—you know, the new guy usually gets the dog committees. I know that. I shouldn't say that out loud—please, Hansard, disregard that. I know that, but I'm happy to do whatever role is offered to me.

Mr. Jim McDonnell: Sure. I know that over the past few years they've expanded the roles of pharmacists in the health field. Just last year, I think it was the second year I got a flu shot at the pharmacist. I think it's practical and quite efficient to be able to just stop in without having to make an appointment for a doctor and tie up his time.

At the same time, we were downstairs at the lymphoma breakfast today, and of course there's a lot of new options for chemotherapy that are over-the-counter pills, but they aren't covered by the government. In talking with some of the staff down there, they said that there are some issues, but certainly in other areas they were able to get over them. Do you see pharmacists being able to take a greater role, especially when it comes to oral medication, being able to be part of the system to help in that type of treatment of cancer?

Ms. Katie Mahoney: My sense would be that there are so many forms and types of cancer, so without a close working relationship with oncologists, radiologists and all of the—

Mr. Jim McDonnell: I guess maybe the issue is—

Ms. Katie Mahoney: The dispensing of?

Mr. Jim McDonnell: If they're dispensed in the hospital, they're covered. If they're dispensed in the pharmacy, they aren't.

Ms. Katie Mahoney: I see.

Mr. Jim McDonnell: There seems to be an issue where the logic is—in her terms, it was antiquated, but really it's that the expertise in dispensing of these drugs could be easily be done in a pharmacy that's not in the hospital. They are prescribed by the oncologists, by the physicians. It's just an easier way for somebody to take these drugs at home versus having to go to a hospital and tie up a bed, that type of thing, where they are being dispensed in other jurisdictions.

Ms. Katie Mahoney: Yes, and I'm sure there are—I would agree. If it is possible for a patient to administer

the chemotherapy or whatever cancer medications at home through dispensing of their local pharmacist, then I would absolutely support that.

My husband had cancer a couple of years ago. He's well, he's fine, he's good. He's worse than ever, actually—well, the cancer is cured, but the rest of it we can't fix.

Mr. Wayne Gates: I take offence to that.

Ms. Katie Mahoney: You're not the husband. On his behalf?

Interjection.

Ms. Katie Mahoney: He was treated at Princess Margaret, and it was an experience that no one should have to go through. The good news, again, is that he's cured and he's well. Having gone through that experience, I guess I'm personalizing the question you're asking. Yes, had there been medication that could have been dispensed by the local pharmacy and prescribed by his doctors at Princess Margaret, it would have made life a lot easier for a lot of people, and yes, it probably would have been less expensive on the health care system. Yes, if it's at all possible; I think it makes sense.

Mr. Jim McDonell: I was involved with a nurse practitioner clinic back in my riding, and the pharmacists were a big part of it. They would come in and help people with their medication. There are very few people who see all the medication that a patient receives. You may have a specialist, a doctor, a walk-in clinic all prescribing medication, but the issue is that it all comes together with the pharmacists. They were a big help in helping them organize the weekly medications. I remember that my mother would have quite a rash of pills that she would have to take each day. It gets confusing for them, and help in organizing is a big feature. It makes them feel a lot more comfortable.

Ms. Katie Mahoney: I don't disagree. The pharmacist is the one who has the complete record of medications. Oftentimes seniors will have prescriptions from varying doctors and there's no one coordinating body. Your pharmacist is the coordinating body, and they are the best resource for the advice and the dispensing of the medications that aren't going to interact badly with each other or cause other concerns.

I guess one of mine—and I would have to wait until I was actually sitting at that table, if I hopefully am—is the dispensing of medical marijuana. It's a question that I've done some looking into but not getting any answers. That's going to be interesting going forward. I've not heard of the pharmacists actually having that ability and authority to dispense that. It's going to be a challenge going forward.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: Thank you for coming in today. I was certainly interested in your thoughts on open and transparent when you were in government, when you were in council. As a councillor, I would ask if you could put that down into hard copy and send it to this current government. It might help them out a little bit.

Interjections.

The Chair (Mr. John Fraser): Okay. On to the questions.

Ms. Katie Mahoney: I do that at the ballot box.

Mr. Randy Pettapiece: On your resumé here it talks about your involvement with council. There are two paragraphs here; it says, "As a municipal elected official I am...." and the next paragraph says, "As a municipal councillor I was...." Is it "was" or "am"?

Ms. Katie Mahoney: My error, obviously. I was a councillor.

Mr. Randy Pettapiece: Okay. So you're not currently a councillor.

Ms. Katie Mahoney: In my opening statement, I indicated that I retired after 23 years, in November 2014.

Mr. Randy Pettapiece: All right.

I come from a rural riding. We are in a position of not having enough doctors right now. I forget the term, but we're in a red alert, if I might put it that way, as far as doctors go.

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Ms. Katie Mahoney: Yes.

Mr. Randy Pettapiece: I, myself, have often gone to our local pharmacies and quizzed them about what's going on, if I happen to be prescribed any pills or anything like that. So I was certainly impressed with your response to increasing the scope of pharmacists, because they're trained in schools to know what the drug is supposed to do. I would suspect they may know a little bit more at times than doctors do, especially with new drugs coming along the line. I think that's a great idea, and I would hope that whatever committee you serve on with this board, you might impress that upon them: that we need to have this done. The same with nurse practitioners: Their scope is going to increase too, and free up our doctors for work that only they can fulfill.

Those are my comments. Thanks.

Ms. Katie Mahoney: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece.

Ms. Mahoney, thank you very much for being here this morning. You may step down.

Ms. Katie Mahoney: Thank you very much. Thank you for your time.

The Chair (Mr. John Fraser): We'll consider the concurrences at the end of our meeting.

Ms. Katie Mahoney: That's what I understand.

The Chair (Mr. John Fraser): You're welcome to stay.

Ms. Katie Mahoney: Thank you so much.

The Chair (Mr. John Fraser): Thank you.

MR. WILLIAM NICHOLLS

Review of intended appointment, selected by the official opposition: William Nicholls, intended appointee as member, Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Our next intended appointment is William Nicholls, nominated as a member of the Ontario Labour Relations Board. Mr. Nicholls,

please come forward. Thank you very much for being here this morning. You may make a brief opening statement, and then each party will have 10 minutes to question you. Any time that you use for your statement will be taken from the government's time. The questioning will begin with the government.

Thank you very much, Mr. Nicholls. You may proceed.

Mr. William Nicholls: Great. Good morning, Mr. Chairman. First of all, it's a pleasure to be here this morning. I first want to extend my thanks to the committee in providing me an extension from March 31 to be here this morning.

Perhaps I'll give a little background on myself. I've been involved with the labour movement for the past 42 years as a member of the International Union of Painters and Allied Trades, beginning, of course, with an apprenticeship as a painter, decorator and drywall finisher in the residential and commercial construction industry. As a very young man, I witnessed a co-worker fall to his death. From that point on, I realized how dangerous the workforce could be. Since that tragic experience, I've been drawn to workers' safety and a balanced workforce.

I participated in my very first session of collective bargaining at the age of 20 and realized at that point that it's not just the needs of workers, but employers also have challenges to stay in business. I concluded and realized that employers are a worker's business partner.

I went on to union politics, worked as an organizer, a trainer, and became a leader responsible for negotiating contracts, dealing with grievances, improving market share, preparing budgets, establishing training programs, and very involved with employer-employee relationships.

I have also spent many of my days at the Ontario Labour Relations Board with grievance files and applications for certification. I learned to respect the process and the judicial environment that it represents.

During my career in the labour movement I have always been an advocate of not just a fair and balanced workplace for workers but essential as employee-employer relationships. I've participated on numerous labour management industry forums, and training and benefit trust fund boards involving governments and market share issues. But in the big picture of the construction industry, I've worked with trade contractors and employer associations on many construction industry initiatives, including the Ontario Construction Secretariat and the former Construction Safety Association. As a matter of fact, I was very much involved as a labour co-chair in merging the former CSAO into the current Infrastructure Health and Safety Association.

Apart from sitting on labour management trust funds and boards, I have worked with government and been in the boardrooms discussing labour-related legislative matters affecting the construction industry. I participated as a member of the labour minister's Construction Advisory Council, discussing policy pertaining to the Labour Relations Act under five different labour ministers.

A number of years ago the Ontario Labour Relations Board was extremely burdened with hundreds of jurisdictional disputes in the electrical power sector of the construction industry. I was involved, with many other trades, in negotiating an alternative mechanism to remove the power sector disputes from the OLRB to an internal mediation arbitration process that became the creation of the Chestnut Park Accord. It has become extremely successful in the resolution of those disputes.

With all of my experiences, I feel that I have been able to understand both worker and employer challenges. I listen and provide judgment on the facts. I attempt to resolve issues to avoid negative outcomes, and I'm always seeking a winning solution that's fair to all the parties. I believe I've earned the respect from my labour peers and the trust and confidence from employer counterparts to serve on the Ontario Labour Relations Board with integrity and to bring a fair and representative balance for workers and employers.

Thank you for your attention, and I'm open to any questions.

The Chair (Mr. John Fraser): Thank you very much. Ms. Martins.

Mrs. Cristina Martins: Thank you, Mr. Nicholls, for being here and for applying for this position. I wanted to thank you for all of your years in the labour movement and in mitigating some of those employee-employer relationships, which I'm sure have not been easy along the way.

I guess the question here today is: How do you see the role of an employee representative on this particular board?

Mr. William Nicholls: Well, first of all, I think it's important as a representative of employees to ensure that we have the best qualified people who are going out to serve and produce work for our employers. In addition to that, every worker ought to know what's expected of himself in regard to a workday, as well as every employer being appreciative as to what that worker is going to do for the day. It's a balance. It has to be a balance.

Mrs. Cristina Martins: And after all your years in the labour movement, what is it that strikes you about this particular board that says, "I want to be part of this board"?

Mr. William Nicholls: Well, representing workers and being in front of the Labour Relations Board for many years—I've put in 42 years as a worker representative and always felt that legal issues at the Ontario Labour Relations Board have been very, very important in setting the grounds to good worker relationships, good employer relationships, and I think I've come to a point in my life where I'd like to give a little something back. It's quite gratifying, actually, to be able to be part of the Ontario Labour Relations Board.

Mrs. Cristina Martins: Thank you.

The Chair (Mr. John Fraser): Thank you, Ms. Martins. Official opposition: Mr. McDonnell?

Mr. Jim McDonnell: Thank you for coming out today. You mentioned the experience in your resumé and a little

bit about your experience as an organizer. Throughout your experience, did you organize under the 55% rule in the construction sector?

Mr. William Nicholls: Yes.

Mr. Jim McDonell: Under the current rules, two workers on a weekend can force the certification of a large business employing thousands of contractors without a vote. Appealing such a certification is extremely costly and the employer is no longer able to compete locally. In my area, I've known a couple of instances where this has happened with two people working, three people working on a weekend; the company goes in on Monday to find out the whole company's been unionized, against the wishes of the employees. Do you think this just amounts to a hostile takeover and is it really fair?

Mr. William Nicholls: Not in relation to the construction industry, due to the fact that the construction industry having so much mobility. Workers move from place to place. Most of the construction job is done. That's it; the workers move on to another facility. But on the other hand, workers also have the right to decertify with one employee, and I think that's important for everyone to understand. This is often missed when it comes to whether it's a certification or a decertification. So I think it creates a balance there as well.

Mr. Jim McDonell: But to be fair on that comment, though, there is a minimum number of years they have to remain before they can ask for a decertification vote. In the experience I've had with a couple of companies—one was 40 employees, and 38 of them fought with the employer not to undo the certification. It was very costly, somewhere close to a million dollars to overturn that decision at the Labour Relations Board.

One's got to wonder: When you've got 38 people who don't want it and two who voted for it, where is that fair in the realm of labour relations in today's world?

Mr. William Nicholls: Well, I'm not sure if it's fair or unfair. I just know that that's an opportunity for workers at that particular point in time to make that application, whether for or against being unionized in an employer environment. I don't make those rules, but that's what the law is, and that's the law that's been practised for many, many years.

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Mr. Jim McDonell: Well, it's interesting. Those regulations were put in place under this Liberal government, and it's certainly turned things around. I noticed that while you were president of the Ontario council of painters and a senior member of the local, your organization accounted for over \$250,000 in donations to the Liberal Party and the Working Families Coalition. Any comment on this as far as—

Mr. William Nicholls: There were contributions to Working Families, not the Liberal Party.

Mr. Jim McDonell: Both. We have records—

Mr. William Nicholls: There were also contributions to the Progressive Conservative Party as well as the NDP, as well as candidates from all three parties.

I guess I have to mention that I'm not here on a political standpoint. I'm here to sit as a member of the Ontario Labour Relations Board, which removes the politics. That's my goal.

Mr. Jim McDonell: Well, we have a little concern, because in the last month or so, we've had three nominees to the Labour Relations Board, and they've all been from the labour side. I think there's an issue around a balance between both employee and employer. I don't want to take it out on you, but you're the person who's here today.

We see in the last two reports from the commissioner of Elections Ontario that this is an issue that's affecting the outcomes of elections. I know that you've probably given some money to the other two parties, ours included, and we thank you for sponsoring, but you're looking at \$250,000 to a group, which is not allowed anywhere else in this country. Anyway, it is an issue, and I think it's something we see where the recommendations of the commissioner should be followed.

One of the issues we have with the College of Trades, of course, is that we see it as an impediment to getting new people into the trades. It's something that we're looking at in this country, being a million tradespeople short by 2020, as people are retiring.

You've worked with skilled trades youth throughout your career. Have you experienced that, trying to get more people involved with the trades but running into problems with the ratios or other issues?

Mr. William Nicholls: No. Actually, recruitment has to start at an early age, and we're into the community recruiting people to get into the construction trades. We have full apprenticeship programs where we are able to put individuals out into many of the industries that we represent.

Mr. Jim McDonell: I met with our local high school co-ordinators in the last couple of years. They've had a problem where in high school there are no limits, and they have a lot of students they've been able to interest in them. They get a year of college in, they fall into the trades and they've had to drop out. The students come back to them kind of upset because they've got involved in a stream of education that they enjoyed, but of course could not get an apprenticeship job because they couldn't get the hours in. That's something we are seeing locally, and it's something that they've been quite vocal on, because it takes away their credibility when they're trying to encourage people to go into something but then they're blocked by a rule down the road.

I think Mr. Pettapiece had a question too.

Mr. Randy Pettapiece: Yes, just a short question. You started as a painter?

Mr. William Nicholls: A painter-decorator, sir, yes.

Mr. Randy Pettapiece: The way it is now, is there a ratio for journeyman painters to apprentice painters?

Mr. William Nicholls: Yes, 3 to 1.

Mr. Randy Pettapiece: It's 3 to 1. So you have to have three journeymen on the job to one apprentice?

Mr. William Nicholls: Yes.

Mr. Randy Pettapiece: I think that's what Mr. McDonell was talking about. It's difficult for young people to get involved because of those ratios. We see this in not only this trade, certainly, but in other trades. You have to have so many people there.

In fact, it affected my son. He's an electrician now. When he first started, he had to have—I don't know what the numbers were; three to four electricians with him, whatever the journeyman ratio is. They would be working on a job, and the company would get some service calls it would have to go on. So the journeymen would have to leave and my son would be sent home, because he couldn't work on the job without these guys there—which is fine; when he's starting out he shouldn't be doing these things. That's okay. But the thing is, he wasn't able to get his hours in as quickly as he wanted to.

We would suggest that maybe these ratios are a little out of line, and that's inhibiting young people to get into the trades as quickly as they want to. Because we do have a shortage of tradespeople in this province. So your thoughts on that?

Mr. William Nicholls: I must say that we represent several trades, and one of our trades is 2 to 1. I'm not sure about the electricians, but I know that for many years it was beneficial to have a 3 to 1 ratio due to the fact that it's a safety factor and an education factor. You don't want to be burdened with too many apprentices when you're actually trying to get the job done. That's always been something that came from our employers, to make those ratios a little higher, just for a safety factor and an education factor, to make sure that apprentices are properly trained by a quota of journeypersons.

Mr. Randy Pettapiece: But I think we're seeing that swing the other way now.

Mr. William Nicholls: In some cases, I have to agree with you.

Mr. Randy Pettapiece: So I just thought I'd bring that up.

Mr. William Nicholls: In some trades, I have to agree with you.

Mr. Randy Pettapiece: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Mr. Gates?

Mr. Wayne Gates: How are you doing?

Mr. William Nicholls: I'm doing well, thank you.

Mr. Wayne Gates: Make sure you say hi to Pat for me. I see he is one of your references. I've dealt with Pat over a number of years.

On the ratios and the apprentices, for my good friends here, the reality is that some employers, what they do is try to take advantage of the ratios. They hire apprentices and lay off journeymen, even though they're not getting their training. We see that a lot in some of the shops that I've had the privilege of representing, as you know. You've been a labour leader for 42 years, and I'm very close to that—I am 42 years, and elected, and I don't hide from that fact.

One of the things that I am seeing a lot of and that we've been seeing certainly over the last few weeks—I

had the opportunity to do 150 collective agreements, and through that period of time, we had one work stoppage. So the myth—that if you belong to a union, all you do is strike—certainly is inaccurate. But one thing that you have to do is have a relationship with management and with the union. Some of the things that I'm seeing with the teachers' strike that's going on and with a group that's called CarePartners down in my riding, you've got to have a dance partner. You've got to go to the bargaining table and be able to find common ground at the end of the day, where the employer feels good walking away and the union feels good walking away. I'm really seeing right now that that's not happening in the province.

I'm wondering if you agree with that, or maybe I'm just not paying attention. I notice in your documentation that you did first agreements. They are tough. But one way to get a first agreement is to make sure the employer is coming to the table. I understand they don't like the fact that their employees got upset and joined a union, but at the end of the day, they've got to get a collective agreement. Again, this CarePartners, which is in my riding, doesn't want to come to the table.

What's your opinion on it? Are you seeing more of that? Less of that? What do you see?

Mr. William Nicholls: Just a couple of comments. First of all, sometimes my biggest fights were within my own group, which you probably have experienced. The other thing is, I want to mention that, in 42 years, I've had three strikes. One strike lasted a day, another strike lasted three weeks, and that was due to trying to obtain a benefit package. The construction industry is a little strange, so we had a strike for three weeks in the construction industry, without going into all the details of that. So it's worked out very well.

The other point I wanted to make was—I lost my train of thought. Sorry.

Mr. Wayne Gates: That comes with age. I can relate to it.

Interjections.

Mr. Wayne Gates: Well, I said I can relate to it. It's not a big deal.

Mr. Randy Pettapiece: You're speaking for all of us.

Mr. Wayne Gates: That's right. It is what it is.

Mr. William Nicholls: Yes, I totally agree.

One thing that I've always practised is that on a rotation of a three-year collective agreement, I don't negotiate for the last 60, 90 days. My theory is, you negotiate over that three-year period. As soon as negotiations are complete, we take a break for a few months and then we get back into what I call industry meetings. Then you're talking about the next collective agreement and trying to work out flaws that might be in a particular collective agreement or work out industry problems that might be in the coming future.

So it's not just a matter of 60, 90 days out. It's a matter of having a relationship and maintaining a relationship to ensure that you don't come up against those problems. I think that part of my success over the many years as a labour leader is doing just that.

Mr. Wayne Gates: Okay. I've got a couple of things here. One is on the apprentices—I'll give you two kind of statements or questions and you can answer after I finish. On the apprentices: We have to put more money into it, not less, and we're seeing in this particular budget that some of that is less. But I think more importantly, they're at the bargaining table with schools right now. We have to get back to starting in grade 7 and 8 and into our high schools where we can take shop again.

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I came out of a four-year tech course where I took welding; I took sheet metal. I understood how to lock out a machine. I know times have changed, but I got right into General Motors and was able to go work in that type of environment. So I really think that we should take a serious look at putting them back in grades 7 and 8 and high school, knowing that we're having the skills shortage.

The other thing that I think is really hurting the process and the bargaining process—if you get appointed to the board, it might be something that you want to raise as well—is the position of scabs, or replacement workers, in the province of Ontario. I firmly believe—and I'm not just saying this, because I don't think there's anything wrong with union leaders, by the way. I know you guys think that might not be—there's nothing wrong with us. We're actually pretty good at what we do. But at the end of the day, it's hurting the bargaining process having scabs in the province of Ontario. I think it hurts the relationship not only in the province, but it also hurts the relationship between the employer and the workers forever.

I think that we should take a serious look in the province of Ontario at getting rid of that and having the employers go back. I think you said that you've done about 150 collective agreements, and I've done 150. There's 300 collective agreements, with two work stoppages. But the one that's out there today is almost two years old, and because they're using replacement workers, it's not forcing the parties to get to the table. I think it's a mistake.

On the apprentices and on replacement workers, I'd just like to hear your comments.

Mr. William Nicholls: Well, I'll go with the replacement workers. That has not been an issue for me in the construction industry. It just doesn't happen.

Again, I want to go back to what I said. I think if you want to finish collective bargaining on a good note, then you must be on time. To go over that time period is certainly a stress on both the workers and management. I think it's imperative that those discussions continue during the term of a collective agreement.

On the apprentice thing—sorry, your point again on the apprentice—

Mr. Wayne Gates: Schools—going back to the shops in the schools.

Mr. William Nicholls: Absolutely. I, the same as you, grew up in an environment in schools where we had wood-working; we had the metal shops; we had the electrical shops. I have talked to many politicians in the

past many years that I think that needs to come back to the school system. Because I think that's part of the problem that we have today, that we haven't practised that. We haven't continued that.

Mr. Wayne Gates: Okay, just—have I got time?

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: Good. First of all, the other thing that I noticed was your community involvement, which is very important. I was campaign chair of the United Way for two years back in Niagara, and the backpack program is so important for some of the underprivileged children that we have going to our schools in September.

The one thing about that program in my community: We have hundreds of volunteers. Sometimes it's tough to get volunteers today. I heard you're with the Rotary Club. Some of those organizations or service clubs are really struggling today to get volunteers. On the backpack, people are excited to do it. We never have a problem. We get it done relatively quickly. Obviously, we give them pizza and wings or whatever we do at the end of the day. So I'd like to just say thank you for bringing that into your community as well. It's so successful.

The last thing I want to say is that you put 42 years of your life in the labour movement. It's not easy. It's not a job where you get a lot of people who say thank you to you, by the way. The odd time you may be surprised that the toughest people that we deal with are our own members, in probably words that some people in this room might not be used to. So I just want to say, on behalf of myself, thank you for your 42 years in the labour movement, trying to make this province a better place for all of us, including our kids and our grandchildren in the future, and for putting your name forward to get on the board.

Mr. William Nicholls: I thank you very much.

Mr. John Fraser: Thank you very much, Mr. Gates. Mr. Nicholls, thank you very much for being here this morning. You may step down. We will consider the concurrences immediately after you step down, and you're welcome to stay in the room.

Mr. William Nicholls: Thank you very much.

The Chair (Mr. John Fraser): Thank you.

We will now consider the concurrence for Katie Mahoney, nominated as member, Council of the Ontario College of Pharmacists. Can I have someone please put—Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I move—

Interjection.

The Chair (Mr. John Fraser): One moment, Mr. Rinaldi.

Mr. Wayne Gates: I'd just like a recorded vote, please.

The Chair (Mr. John Fraser): Okay. Thanks—a recorded vote. Mr. Rinaldi.

Mr. Lou Rinaldi: Yes. Thanks, Speaker—Chair; sorry. Oops.

Interjections.

Mr. Lou Rinaldi: Whatever.

Chair, I move concurrence in the intended appointment of Katie Mahoney, nominated as member, Council of the Ontario College of Physicians.

The Chair (Mr. John Fraser): Thank you very—pharmacists.

Mr. Lou Rinaldi: Pharmacists, yes.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. I appreciate it. We're all aging here quickly.

So do we have any pertinent discussion? All right. All those in favour?

Interjection: Recorded vote.

The Chair (Mr. John Fraser): Recorded vote, yes.

Ayes

Dhillon, Gates, Lalonde, Martins, McDonell, McMahon, Pettapiece, Rinaldi.

The Chair (Mr. John Fraser): Thank you very much. It will be a recorded vote as well this time.

Mr. Rinaldi, we also are now going to consider the concurrence for William Nicholls, nominated as member of the Ontario Labour Relations Board. Mr. Rinaldi, see that you get this right.

Mr. Lou Rinaldi: I will try.

The Chair (Mr. John Fraser): Okay. Thank you very much.

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of William Nicholls, nominated as member, Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Is there any discussion?

Ayes

Dhillon, Gates, Lalonde, Martins, McMahon, Rinaldi.

Nays

McDonell, Pettapiece.

The Chair (Mr. John Fraser): Thank you very much. Congratulations, Mr. Nicholls.

Mr. William Nicholls: Thank you.

That concludes our meeting. The meeting is adjourned.

The committee adjourned at 0957.

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Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 12 May 2015

Journal des débats (Hansard)

Mardi 12 mai 2015

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 12 May 2015

Mardi 12 mai 2015

The committee met at 0901 in committee room 2.

SUBCOMMITTEE REPORT

The Chair (Mr. John Fraser): Good morning, everybody. Welcome back. It's another Tuesday morning. I'd just like to get started this morning.

We have one intended appointee, but first we have a subcommittee report. May I have someone move the subcommittee report? Mr. McDonell.

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, May 7, 2015.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Any discussion? All those in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MR. WILLIAM THOMPSON

Review of intended appointment, selected by official opposition party: William Thompson, intended appointee as member, Hamilton Niagara Haldimand Brant Local Health Integration Network.

The Chair (Mr. John Fraser): Our first intended appointment this morning is William Thompson. He's nominated as a member of the Hamilton Niagara Haldimand Brant Local Health Integration Network. Mr. Thompson, can you please come forward?

Thank you very much for being here this morning, Mr. Thompson. You will have an opportunity to make a brief opening statement, which will be followed by questions from all parties. The questions will begin with the official opposition. Any time that you use in your statement will be taken from the government's time to ask questions.

Mr. Thompson, please proceed.

Mr. William Thompson: Thank you, Mr. Chairman. Thank you for this opportunity.

As noted, I'm a retired chartered accountant with the honorary title of FCA. My financial career has encompassed both large public companies such as Brights wines and Wardair, and very small family businesses such as Vineland Estates Winery and TMF Foods.

Throughout my career, I've volunteered for many community and business organizations, such as the Niagara Falls Chamber of Commerce, Niagara Falls Red Cross, St. Catharines Grape and Wine Festival, the West

Niagara association for Community Living, the Canadian Wine Institute, and many community groups in Grimsby, where I live. I also served as an alderman for three years in the late 1970s.

My experience at Hamilton Health Sciences and my volunteer experiences at McNally House Hospice I believe have prepared me for many of the issues that are relevant to the LHIN, and I would hope that my financial background would be an asset to the board if I am confirmed in this appointment.

I welcome your questions.

The Chair (Mr. John Fraser): Thank you very much, Mr. Thompson. Mr. McDonell, are you ready to go? Thank you.

Mr. Jim McDonell: Sure. Thanks for coming out today. I'm just wondering how you came to apply for the position on the LHIN.

Mr. William Thompson: I saw the position advertised on the LHIN's website, and I was called in to the LHIN for an interview by the board. I think they interviewed five candidates. As a result, I believe, it was them who forwarded my name to the government for the appointment.

Mr. Jim McDonell: Okay. I see you were a senior executive at one of the hospitals in your area.

Mr. William Thompson: Correct.

Mr. Jim McDonell: So you've had some interaction with your local LHIN. Any issues or concerns you've seen over the years with the LHIN that you think maybe you would have an impact on?

Mr. William Thompson: I didn't have any real direct contact with the LHIN in my position. I was aware of some of the issues, of course. The hospital I dealt with was primarily the cancer centre at the Juravinski hospital and the hospital beside that, which was more relevant to cancer care and to ambulatory care. So I didn't officially have too many contacts with the LHIN.

Mr. Jim McDonell: The LHIN was subject to a critical 2010 Ombudsman report regarding the lack of community engagement. Today, we see strong commitments to communications and outreach in the annual reports. Do you, as a local stakeholder, see the LHIN following through on the Ombudsman's recommendations of more open—

Mr. William Thompson: In reading through the board minutes on the LHIN for the last three or four board meetings, I found the LHIN seems to be very open,

very welcoming to the hospitals in looking for new programs.

To just briefly digress, when I worked at the hospital, I was so very impressed with everybody's intent to give great patient care. That seems to follow right through to the LHIN, as far as I can tell. But I know that the people I dealt with were just completely focused on good patient care.

I hope that answers your question.

Mr. Jim McDonell: Sure.

I see, according to some stats, your LHIN seems to have the highest percentage of seniors in the province.

Mr. William Thompson: According to statistics, we have the highest level of seniors of all the LHINs. It's a very older area, and I think one of the very issues that this LHIN and all the other LHINs are going to have to deal with is the demographics of the baby boomers coming through. Because one of the statistics that I heard was that basically we spend 90% of our health care dollars in our last 10 years of our life. That's going to be one of the issues for all of the LHINs to deal with.

Mr. Jim McDonell: Certainly, I think in our area we see the same thing: a large number of seniors coming through. It will put significant demand on the system.

Mr. William Thompson: Well, I've got experience with that somewhat because I have a 90-year-old mother-in-law and a 96-year-old mother, and I'm seeing the system as we go along.

Mr. Jim McDonell: One of the issues we have in our area is that there have been no long-term-care beds built in the last decade. Is that an issue in your riding as well, with hospitals trying to place people?

Mr. William Thompson: It certainly is. I think the hospitals in Hamilton have about 14% of their beds that are held because they have patients there that are ALC, or alternate level of care, and they have no place for them to go. Getting people into the right place—and I know that some of the initiatives are now to get home care and getting people taken care of in the home. The building of hospices has helped out a lot, because you get a lot of patients who are in the hospital, with no place to go, in their last days under palliative care. Hospices have taken some of that burden as well.

Mr. Jim McDonell: Hopefully, with your time in the LHIN, you could—I know the LHINs don't provide the funding for long-term-care beds—highlight the issue, because I think it is a serious issue in our area, as I'm sure it is within your area with the percentage of seniors.

Mr. Randy Pettapiece: I'd just like to pick up on—Mr. Chair?

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you. I'm in about the same spot you are. I have a 92-year-old mother-in-law in a nursing home and my parents are 88 years old, both of them. They're at home right now. My sister is helping them out. And unfortunately, I'm in the seniors' category too, so I'm a little bit worried about these situations, like you are.

Mr. William Thompson: I am in the same position.

Mr. Randy Pettapiece: Yes. We all know that they call it a tsunami, the coming of baby boomers. Unfortunately, there seems to be some lack of provision for this that's coming along, so I think we have to really address that. We've had a number of meetings in my riding on this very issue.

We have had an issue with funding for our hospitals. They've been flatlined, pretty much. Costs have gone up, energy costs went up, and whatever else. They are certainly subject to these increases in operating money.

I don't know whether you've had a chance to look into the operation of the LHIN. If you've done that, are there some ways that you feel that maybe the operation of the LHIN can be pared down a little bit to put more money directly into the health care system?

Mr. William Thompson: I haven't looked into it in that aspect, but I can tell you that, in the hospitals, they look at every measure possible to find ways of saving funds. The obvious ones that we always hear about are cutting the staff. But in other measures—one of the issues that I dealt with when I was in the hospital, I worked in the purchasing department; I was sent there on a special project to go through contracts. In the past, they had many contracts for servicing elevators or electrical or many of the service systems, where the contracts were written where the supplier got an automatic 3% increase each year in their costs. Well, we went through all of those contracts. We changed them and said, "If the hospital gets an increase, you can have one. But if we don't, you don't. We can't get a 1% increase and give you 3%, because then we'd have to cut staff because you're getting more money." That's where the issues are.

The hospitals do a lot of that, and from reading again the minutes and seeing the people I dealt with, they go to the LHIN on many occasions looking for programs to do things better. That doesn't mean with fewer people, but just doing them in a better way. There were several programs we used at the emergency department to find better ways of dealing with patients and setting up family clinics so that we could have fewer people coming in.

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As we go through getting better communications and systems, we'll know how people are abusing the system. We found somebody in the Hamilton area who visited all of the hospitals and was in the emergency wards 385 days—in one year. They had 385 visits in one year, in the emergency ward. So if we work better, smarter, we can make some of those issues.

With the LHIN itself being more efficient—I'm not aware of that. I don't know enough of that yet.

Mr. Randy Pettapiece: Are those people who are doing that—you talked about the person who kept going back to emergency. Is there some way to identify them?

Mr. William Thompson: Well, that's what they're doing now, with more and more communications, more and more computer works, more and more identities. We were able to do that because of that. Then you can deal with them, because some of them have mental health issues. Some of them have other issues. Hamilton, again,

the lower city, has a poverty area and has a great deal of demand.

That's what they work toward. I know the hospitals themselves are doing it. They work through the LHIN to try to make these improvements. But again, your question was directed at the LHIN, and I just don't have that knowledge.

Mr. Randy Pettapiece: Okay. No, that's fine. That experience—if it comes up, to your point—certainly will help you look at that end of it.

I just know that the hospital administrators in my area don't want to lay off staff. That's really not the answer. But unfortunately, when the funding gets flatlined, what do you do? Sometimes they have no alternative.

Mr. William Thompson: Nobody wants to lose staff, because it's all about patient care.

Mr. Randy Pettapiece: For sure, for sure.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece.

Mr. Gates.

Mr. Wayne Gates: Good morning, Mr. Chair. How are you, buddy?

The Chair (Mr. John Fraser): I'm very good. How are you?

Mr. Wayne Gates: Good.

Good morning. How are you?

Mr. William Thompson: I'm very good, thank you.

Mr. Wayne Gates: A couple of things: One, I see you volunteer. I heard you talk about good patient care, particularly around our seniors. And you're from Niagara.

Mr. William Thompson: I am.

Mr. Wayne Gates: Niagara, quite frankly, has been under attack by the LHINs in closing hospitals. We've closed the Fort Erie hospital. We've closed the Niagara-on-the-Lake Hospital. Something that I'm not sure everybody around this room would know: They even contracted the maternity ward out, having babies in Niagara Falls—something I've never understood. It's the honeymoon capital of the world. People go there to make babies, and we close the maternity ward so they can't deliver them. It's kind of interesting, what's gone on.

Are you aware of the—

Interjections.

Mr. Wayne Gates: Well, whatever. I'm sorry. I should have lifted my head up on that one.

But at the end of the day, you're from the area—

Mr. William Thompson: I am.

Mr. Wayne Gates: You know that they've raised their own funds in the Grimsby area for a new hospital.

Mr. William Thompson: Yes.

Mr. Wayne Gates: What's your position on where the LHIN is going? You're from Niagara. You've volunteered a lot; you've done a lot. You know the Niagara Falls area—you know the area quite well. You can't continue to provide good patient care and close hospitals. I'd just like to hear your opinion on that.

Mr. William Thompson: Well, it's a huge dilemma. I firmly believe that local hospitals are really good community support centres. Like the Grimsby hospital—

I would hope we would never lose that, because it's a very great community centre. In fact, the Grimsby hospital had over 1,000 births in that hospital last year.

I wasn't aware that Fort Erie had been closed. I knew they were talking about it.

The problem you have is that, with local, small hospitals being great community centres for the community—it's very important for the seniors, because they can't often get to a large, centralized hospital very easily. But the problem with small hospitals is, they really can't afford the expertise and the equipment that are necessary in today's medical care.

So it's a real balancing act to have a local community hospital that can serve the community and yet have a centralized hospital that can provide the kind of care that's necessary for critical care, cancer, crisis—a number of areas—radiation and so on. I was part of the group that helped put the radiation group into St. Catharines, so that people locally in the Niagara area didn't have to transfer all the way to Hamilton for that.

It's a real dilemma. There's a real balance to try and keep the local community there and to yet be able to provide the kind of high-quality care you need in today's world. It's a real dilemma.

Mr. Wayne Gates: Well, I think some of the problems that the LHINs have, quite frankly, which hopefully, if you get this job, you can address, is that they contract out a lot of the work. We're going through a tough situation—it's actually in Jim Bradley's riding in St. Catharines, but certainly I've supported it—with a company called CarePartners, which has forced the nurses out on strike. What it is is that the LHIN gets a pot of gold—or money. They then give it to the CCAC, which takes their cut, and then they give it to CarePartners. By the time it gets to the actual workers who do the work, they're saying they have no money left. Well, if you continue to take all that money out of the system and put it into some form of profit—the owner of CarePartners last year made \$700,000. With \$700,000 in anybody's thing, you can understand that could provide a lot of nurses that are desperately needed for our seniors.

So we have lots of issues in Niagara. The one that you're probably aware of that really happened because of contracting out before they ended up closing the St. Catharines hospital with the new one: the C. difficile, where we had 39 people die because they had contracted out the cleaning service. Again—and people will hear this from me as long as I'm here—it's how you prioritize how you're going to spend the dollars. It's a publicly funded system. If we can continue to keep it public instead of spreading the pie out, we can put it to the front line. I think that's where we're at.

I'll give you an example. Maybe you know about this, because you said that you're familiar with the St. Catharines hospital.

Mr. William Thompson: Briefly, yes.

Mr. Wayne Gates: No, but you understood what happened there. Lots of things happened there with location and how it should have been done. But the big

thing that I'd like you to at least speak to or expand on: The Auditor General said that we spent \$8.2 billion in P3s. Well, the St. Catharines hospital was a P3—and he'll know about this. You can look at me like that, but there's actually a place where I'm going—

The Chair (Mr. John Fraser): I didn't say; I just looked at you. I didn't say anything. I'm just watching where you're going.

Mr. Wayne Gates: The reason why I'm going there is because we're closing hospitals in Niagara at a time when we have one of the highest seniors areas in the world. The population is all seniors, and you continue to close hospitals. Well, the St. Catharines hospital was built for a billion dollars as a P3—almost the exact same size as the Peterborough hospital, which was built for \$357 million. That's 600 million dollars' difference. You could have taken that \$600 million from the LHINs and put it right back into our community, because we are struggling.

Grimsby area, where you're at, that hospital? People rallied around the hospital, I believe. They raised \$11 million or \$12 million, I believe, whatever the number was. They've had that money for 10 years. Actually, it's in Mr. Hudak's riding that he represents.

Those types of decisions are hurting health care in Niagara. Niagara is at a crisis when it comes to health care. You can agree or disagree; it's how we spend our money down there.

I'd just like you to say, what do you think of the fact that we're contracting out work, and we could be giving it to the front lines? Because that's what we need in Niagara.

Mr. William Thompson: I really don't have enough details on it. I think the idea of P3s is to get a fixed price so that you don't have overruns. That's my understanding. I don't know more about it than that.

Mr. Wayne Gates: Well, I'm not going to get into a cross-debate because I don't think that's fair to you. That's why I'm asking you—

Mr. William Thompson: And I'm not familiar with that side of it.

Mr. Wayne Gates: But I can tell you that I'm not—listen, I'm not an expert. I'm an MPP who came out of Niagara; I'm not an expert in it, either. But people who are a lot smarter than me—like the Auditor General, who took a look at all that, is saying that we could have saved \$8.2 billion. Whether that's right or wrong, I have to take her word on it. That's why she's an expert. I'm not, just like you're not an expert in the LHINs.

But we do have a lot of problems in Niagara. If you get on the board, think of one thing: Think of your grandparents, your parents. They're 92 and 96, whatever the ages were, and we've got some over here, the same thing. We have to provide them with the best possible care so that they can at least live in dignity and, in some cases, die with dignity. In Niagara, we're struggling with that, and some of that is because of decisions that were made in closing hospitals.

I just want to say that. Listen, you're volunteering. You've been around for a long time. I recognize you. I don't know you personally, but I certainly recognize your face in the work that you've done volunteering in our community throughout Niagara. Take a serious look at raising those issues, because we have lots of dollars in health care, we're spending lots of money in health care. It's how we're spending it, I believe—I'm not saying I'm right—is what the concern is. It's not like we don't have the money for health care. It's how we're spending it.

Mr. William Thompson: I can't speak to some of the issues you have because I don't have the details, but I think that one of the things that I will bring to this position, if appointed, is that I will be the one person on the board with a financial background. There is a mix of backgrounds on the board, and that's how it should be, but at the present time, there's no one with a financial background on the board, and I think I bring that as an asset.

Mr. Wayne Gates: I appreciate it. I know I talked a little bit—because we have a lot of poverty down in our area; a lot of mental health issues, and if you continue to close, those people who live in poverty, those people who have mental health issues can't get to St. Catharines. They don't have the resources to get to St. Catharines. So what they do is, they end up on the street. They end up in crime. There are lots of things that happen when you don't have mental health and close hospitals.

I appreciate you taking the time to come and volunteer. It's always nice to volunteer and give back to the community. But really, if you get there—you're from Niagara, you know what we've been going through—really take a serious look at trying to help out there.

Mr. William Thompson: That's what I do. Thank you.

Mr. Wayne Gates: I appreciate that. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Mr. Wayne Gates: My pleasure.

The Chair (Mr. John Fraser): Madame Lalonde?

Mrs. Marie-France Lalonde: Mr. Thompson, first and foremost, I want to say thank you for being here today. From what I've reviewed, and I think I speak on behalf of my colleagues, we feel very strongly that your experience will actually be a true asset to the LHIN. Like you said, the accounting portion of finance that you'll be able to bring, I think that is also why you're being considered for this position.

So thank you for joining us this morning. We will not have questions for you.

Mr. William Thompson: Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Thompson, for being here this morning to present to us. The interview is concluded, so you may step down. If you wish, you can remain in the room and we'll be considering the concurrence. So you can remain if you like. Thank you again.

Mr. William Thompson: Thank you very much, Mr. Chairman.

The Chair (Mr. John Fraser): We will now consider the concurrence for William Thompson, nominated as member, Hamilton Niagara Haldimand Brant Local Health Integration Network. Can I have someone move the concurrence? Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of William Thompson, nominated as a member of the Hamilton Niagara Haldimand Brant Local Health Integration Network.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. Any discussion? Mr. Gates?

Mr. Wayne Gates: Recorded vote, please.

The Chair (Mr. John Fraser): Recorded vote. Thank you very much. Any further discussion?

Ayes

Crack, Gates, Lalonde, Malhi, Martins, McDonell, Pettapiece, Rinaldi.

The Chair (Mr. John Fraser): Thank you very much. It's carried. Congratulations, Mr. Thompson. Thank you very much again for being here this morning.

Before we adjourn—members of the subcommittee are going to stay behind afterwards because we have a subcommittee meeting, as we talked about last week—I would like to advise the committee that the nominations of two intended appointees from the April 24, 2015, certificate who were selected to appear before this committee have been withdrawn. The two intended appointees are Karen Farbridge, nominated as member of the Ontario Clean Water Agency, and Mary Anne Chambers, nominated as a member of the Ontario Heritage Trust. Their nominations will therefore not be considered by this committee.

The meeting is adjourned. Thank you very much, everybody.

The committee adjourned at 0923.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Tuesday 26 May 2015

Journal des débats (Hansard)

Mardi 26 mai 2015

Standing Committee on Government Agencies

Subcommittee reports

Comité permanent des organismes gouvernementaux

Rapports du sous-comité



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 26 May 2015

Mardi 26 mai 2015

The committee met at 0905 in committee room 2.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): I've hit the gavel, so we'll get going. Welcome back, everybody, this week. We just had a discussion. We have three subcommittee reports in front of us right now. We do not have any intended appointments today.

I'm going to start with the most recent report, which is the report of the subcommittee on May 21, 2015. Who has that?

Interjections.

The Chair (Mr. John Fraser): Mr. Rinaldi, are you moving—

Mr. Lou Rinaldi: Are we doing the May 12 one first?

The Chair (Mr. John Fraser): May 21 first.

Mr. Lou Rinaldi: I don't have May 21.

Interjections.

The Chair (Mr. John Fraser): I'm sorry; he looked at me. Mr. McDonell, my apologies.

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointees dated May 21, 2015.

Mr. John Fraser: Any discussion? All those in favour? Opposed? Motion carried.

Mr. McDonell.

Mr. Jim McDonell: The 14th?

The Chair (Mr. John Fraser): The 14th, yes.

Mr. Jim McDonell: I move the adoption of the subcommittee report on intended appointees of Thursday, May 14, 2015.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? Motion carried.

Mr. Gates.

Mr. Wayne Gates: I move adoption of the report of the subcommittee on committee business dated Tuesday, May 12.

The Chair (Mr. John Fraser): No; sorry. Can you read this out?

Mr. Wayne Gates: Do you want me to read it again?

The Chair (Mr. John Fraser): No. Do you actually have the subcommittee report? Did the Clerk give that to you?

Mr. Wayne Gates: You want me to read all this? Really?

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: Your subcommittee on committee business met on Tuesday, May 12, 2015, to consider the method of proceeding with agency reviews, and recommends the following:

(1) That the committee conduct agency reviews during the summer adjournment and that the Chair be directed to write to the House leaders requesting the authorization of the House for the committee to meet during the summer adjournment.

(2) That each caucus select one agency for review.

(3) That members of the subcommittee send their caucus's agency selection to the Clerk of the Committee by 5 p.m. on Thursday, May 14, 2015.

(4) That, upon receiving each caucus's agency selection, the Clerk of the Committee compile a list of selected agencies and distribute it to all members of the subcommittee.

(5) That the subcommittee meet again on Monday, May 25, 2015, at 1 p.m. to determine further details relating to the agency reviews.

The Chair (Mr. John Fraser): Is there any discussion?

Mr. Lou Rinaldi: Chair, I wonder, with the indulgence of the committee—bear with me here.

The Chair (Mr. John Fraser): Mr. Rinaldi.

Mr. Lou Rinaldi: Item number 1 says we conduct the reviews during the summer months. I would suggest that we wait to set that particular parameter once we have a subcommittee meeting after this, if that's possible.

Mr. Jim McDonell: It doesn't really matter.

Mr. Lou Rinaldi: Excuse me? Sorry?

Mr. Randy Pettapiece: Why do you want to do that?

Mr. Jim McDonell: Why would it matter?

Mr. Lou Rinaldi: Well, I just thought that if we're going to discuss the specifics—

The Chair (Mr. John Fraser): Go ahead, Mr. Rinaldi.

Mr. Lou Rinaldi: Sorry—if we're going to discuss the specifics of when and how we're going to meet, I thought that would be more inclusive, if we let the subcommittee deal with that.

0910

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi, but that won't change this report. The subcommittee can make a decision subsequent to this report when they have discussions.

Is there any other discussion about the subcommittee report? Okay. All those in favour? All those opposed? Carried.

The suggestion was that we break to subcommittee and have a discussion—you're prepared and you're prepared?

Mr. Jim McDonell: I'm just wondering—all we were going to do in the subcommittee was discuss the submissions, which we all have done so far, and then suggest the timing. Can we try that at this meeting? Because we only have one meeting left after this one. That's why we wanted to meet yesterday, so that it would be ready for today.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell.

Any discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: We do have to discuss the time. I think we all know what we chose—we all know that—but we have to discuss the time and the process, and as the Clerk indicated, she will need some time to put that subcommittee report together for us to approve. So I would strongly recommend that we adjourn, have subcommittee and then bring it back next week, and we'll still have time to do that.

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: I've been on this committee for a few years. The process is pretty simple. We just call the agencies in and we do the research. We can't start the research until we decide, and if we wait another week, we're done.

We were talking about a subcommittee meeting yesterday so that we could get this done today. We're only going to reaffirm our three choices, which we've already made, and then pick an order and move on. We're not going to set specific dates; that will depend on when the agencies can come in, based on work with the Clerk.

Either it's today or we wait until September. It's as simple as that.

The Chair (Mr. John Fraser): Mr. Rinaldi.

Mr. Lou Rinaldi: I guess my concern is that we're here, but we're not setting up dates today. I thought that's what we were doing today: We were going to set up a full schedule, who and when, so that we could let the Clerk invite whoever we're going to invite and the specific hours.

For my part—I'm not being selfish; I'm sure we're all in the same boat. We try to schedule, in the summer months, to handle some of our constituency work. I would hope that when the subcommittee meets, we're able to get the final draft, for argument's sake, of how this is going to proceed.

The Chair (Mr. John Fraser): Thank you, Mr. Rinaldi. As a piece of information, the Clerk of the Committee is permitted by the clause to start work before a subcommittee report is adopted on a range of things. The clock doesn't wait to start; the Clerk made me aware of that.

Mr. Gates.

Mr. Wayne Gates: I think he had another comment, so go ahead.

Mr. Jim McDonell: I was just going to say that we'll set up dates. I may not be at the meeting; somebody will be subbed in. The whole Parliament doesn't revolve around me or anybody on this committee. We pick the dates, and there's a good chance I won't be here, depending on what I have in the riding.

The point is to get it moving; that's all. There's not a date in the summer I'm sure everybody's going to make, so they'll pick some dates and spread them out.

We almost have a need to meet anyway for appointments. It's just a matter of getting on with it.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. Mr. Gates.

Mr. Wayne Gates: I think the reason we met last week was to move the process along as quickly as possible. This isn't rocket science here, guys. We've all picked our spots and what we want to do. I agree with you: If the dates are picked and you can't make it—the reality is we're going to be in our ridings for the next three months. I'm sure we can clear up a day or two around them unless we're on vacation.

But I'd rather get the process done. Let's move on. We met last week after committee and we had a meeting yesterday. We're pretty sure of what we're doing, who we're going to interview. I agree with you: I don't want to wait until September to do this process. I would rather get it done and move on, because there are others that we might want to take a look at.

The Chair (Mr. John Fraser): In the interests of getting this on the record, there were three selections. Hydro One Inc. was selected by the official opposition party, the Ontario Energy Board was the selection of the third party and the Province of Ontario Council for the Arts was selected by the government.

What's at issue here right now, if we want to go back to it, is whether we're going to have a subcommittee report or not. It's clear to me that we have a division on that, so unless we're going to get some unanimity right now, can I have someone put forward a motion, just so we can dispense with this and get going? Because we're going to go in a circle on this if we don't make a decision.

Mr. Lou Rinaldi: Dispense with what?

The Chair (Mr. John Fraser): Whether we're going to adjourn and have a subcommittee meeting or whether we're going to continue in full committee—unless people want to continue to have this discussion.

Mr. Jim McDonell: Sure, I'll put a motion. I move that within committee, we decide to meet over the summer on as many of the agencies as we can, which will likely only be one or two.

The Chair (Mr. John Fraser): Thanks very much, Mr. McDonell.

Interjection.

The Chair (Mr. John Fraser): That's already been agreed to. The Clerk just pointed out the motion that you put forward was already agreed to by the committee. We need to make a decision about whether we're going to go

into subcommittee or not right now. I need to have a motion put that says we are or we are not going to.

Mr. Jim McDonell: What would we need the subcommittee meeting for?

The Chair (Mr. John Fraser): To make a decision about when, who goes first, the details around that. That's why.

Mr. Rinaldi?

Mr. Lou Rinaldi: Let me try this. I move, as we indicated before, that we adjourn this meeting, that the subcommittee meet right after the meeting is adjourned, and that the subcommittee report be brought back to the full committee next Tuesday.

The Chair (Mr. John Fraser): Thank you very much, Mr. Rinaldi. I just want to check with the Clerk here: Is that—

Interjection.

The Chair (Mr. John Fraser): It's a debatable motion. Is there any discussion? Mr. McDonell?

Mr. Jim McDonell: If the only thing we were going to be able to do at the subcommittee is really put the order—because we can't put dates on, even next week. When we come back, we won't have dates because it takes time and coordination with different agencies. Could we not just adjourn and then come back with a report saying that these are the three that we're looking at and this is the order, and then vote on it? I mean, this is not a complicated motion here. This is simply a one-liner that we're going to have to vote on.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. In terms of the decision-making, yes, we have to decide the order, we have to decide how much time, we have to decide where. So there are a few more details in the subcommittee report about the breadth of it. We've decided who we're going to talk to; we haven't decided when and how long we're going to talk to them for. That's part of the subcommittee report; that's technically what it is we're doing.

Madame Lalonde?

Mrs. Marie-France Lalonde: Mr. Chair, I have to agree with my colleague. I understand MPP McDonell, but in fairness, I think there are a lot of decisions that have to be made and technical points that have to be reviewed. I think that should be part of the subcommittee. To be honest with you, I don't see why we're still here.

Mr. Jim McDonell: I guess I'm a little upset because we made specific decisions around time to get a decision made today. There was ample time to call for a subcommittee yesterday. There was no effort. I mean, five minutes after the meeting, you were there for a vote.

Mr. Lou Rinaldi: Yes, I was.

Mr. Jim McDonell: It's frustrating because this is the second-last week of being here. It really looks like a delay is being initiated here, and that's the part that bothers me. These subcommittees—I've been at a number of them. They're standard. We're just talking about what day we listen to the agency speak, really, which is the standard so many hours.

I just don't see this as being rocket science, as Mr. Gates said. Anyway, I guess that's fine.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. I know it was just by omission, but we have to be conscious of highlighting members' absences when we're in committee and in the Legislature.

Mr. Rinaldi.

0920

Mr. Lou Rinaldi: Chair, I did apologize for yesterday and I will apologize again, but if we turn back the clock a little bit, about three weeks ago—I could be wrong—we were supposed to bring our selections in. I was prepared to put a selection on the table, but neither of the other two parties were prepared, and we postponed it for another week.

Mr. Jim McDonell: I don't think that was right.

Mr. Lou Rinaldi: Well, I think it was, if you check the minutes, Mr. McDonell. We were ready to go because we decided at the meeting before to come back with the selection. I was prepared to put the selection on the table, and then we agreed—well, you folks weren't ready. "Could we do it next week?" I had absolutely no problem with that whatsoever. To kind of—

Mr. Randy Pettapiece: We've got one week left after this, and that's the problem here.

I guess I should go through the Chair. Excuse me. I'm sorry.

Interjection.

The Chair (Mr. John Fraser): Sorry. I just wanted to make sure I got the right technical advice as to what's going on here.

Mr. Randy Pettapiece: May I go ahead?

The Chair (Mr. John Fraser): Yes. Mr. Pettapiece.

Mr. Randy Pettapiece: We've got one week left after this, and this is nothing but a delaying tactic by you guys because you don't want to open up some committee hearings. That's what's going on here. It's just a delaying tactic, Mr. Chair. There's no reason why we can't proceed as Mr. McDonell has suggested.

The Chair (Mr. John Fraser): Ms. Wong.

Ms. Soo Wong: I appreciate the concerns raised by the opposition colleagues. I remember this week, when we had the Chairs' committee meeting, the issues of subcommittee membership and subcommittee issues were discussed. The Clerk could validate my concerns.

This is not the first time, Mr. Chair, through you to the committee members, that the House's activities in determining all the logistics of meetings, agendas and what have you have been decided by all three parties at the subcommittee level. I remember raising this issue. Mr. McDonell, you could ask your colleagues who were at the Chairs' and Vice-Chairs' meeting. I raised that issue because that was a frustration of another standing committee.

But I can also say that this committee can also ask the House in its report, with a special request, to meet over the summer. That doesn't preclude this committee's request. How many dates, how often—this committee has that right. So maybe, as you guys meet after this meeting,

you can direct the House, saying, while they're in summer recess, this committee will be meeting two or three times—don't put dates; you can put "two or three times," or four, if it makes you happy.

I'm just saying that I raised this issue at the Chairs' and Vice-Chairs' meeting just this week. The Chair was there, and so was the Clerk. This is not the only committee where the subcommittee had difficulty meeting. I know all three parties are guilty as charged, but at the end of the day, we've already heard an apology from our colleague. Respectfully, I think we need to move forward.

I'm not a permanent member of this committee. I would certainly say that I'm happy to sub over the summer if this committee needs to meet only two or three times. I would certainly encourage that, Mr. Chair.

The Chair (Mr. John Fraser): Any further discussion?

Mr. Rinaldi has put a motion on the table that we adjourn and that we go immediately to subcommittee after this meeting. All those in favour? All those opposed? The motion is carried.

The meeting is adjourned.

The committee adjourned at 0927.

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Standing Committee on Government Agencies

Intended appointments



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 2 June 2015

Mardi 2 juin 2015

The committee met at 0902 in committee room 2.

The Chair (Mr. John Fraser): Good morning, everybody, and welcome back. Another week has gone by. It's good to see you all.

We're going to begin immediately with our intended appointments. They are here right now, so if we can get out there and get that done.

INTENDED APPOINTMENTS

MS. MARIKA HARE

Review of intended appointment, selected by official opposition party: Marika Hare, intended appointee as member and vice-chair, Ontario Energy Board.

The Chair (Mr. John Fraser): Our first intended appointee is Marika Hare, being appointed as member and vice-chair of the Ontario Energy Board. Can you please come forward? Thank you very much for being here, Ms. Hare.

You will have 10 minutes to make a presentation to the committee. That will be followed by a round of questioning from all parties, beginning with the third party in this case. Any time that you use in your presentation will be taken away from the government's time. You may proceed.

Ms. Marika Hare: Thank you very much, and thank you for the opportunity to be here this morning. I hope to just briefly go over my qualifications and what I think are my skills to enable me to take on the position of vice-chair of the Ontario Energy Board. I think you would have seen from my resumé that I'm already a board member at the Ontario Energy Board and have been since April—

Interjection.

Ms. Marika Hare: Am I not loud enough? Sorry.

The Chair (Mr. John Fraser): You can pull the microphone a little closer to you. It will move.

Ms. Marika Hare: That's easier. Thanks.

The Chair (Mr. John Fraser): Thank you very much.

Ms. Marika Hare: Is this better?

The Chair (Mr. John Fraser): That's better.

Ms. Marika Hare: So I was saying that I am a member of the Ontario Energy Board, and have been since April 2010. Before that, I had two senior positions at the Ontario Energy Board, first as managing director of policy and then as managing director of application. I

think these experiences at the Ontario Energy Board enable me to understand how the board works, what its mandate is and the various functions.

Prior to joining the Ontario Energy Board in early 2006, I had spent over 25 years in the energy sector. From 1980 to 1990, I worked for TransCanada PipeLines, and then from 1990 to 2006, I worked for Enbridge Gas Distribution. Both of these are privately owned companies. Both are regulated, one by the National Energy Board and the other by the Ontario Energy Board. Throughout my career, I've been involved in regulation of some sort or another.

My first positions were in the environmental planning and landowner relations sphere, and this was a good fit with my master's degree in environmental studies. I later did a master of business administration, and that led to a number of different roles, including strategic planning, business development, regulatory affairs and operations. As a result, I feel I have a good understanding of the workings of regulated entities.

As a panel member now, when a company comes before me with an application, such as Toronto Hydro, Union Gas or Ontario Power Generation, I feel I have a good understanding of how these organizations actually operate.

When the opportunity was presented to me to join the OEB, I left a senior position at Enbridge. At that time, I was in charge of one of the largest operating divisions at Enbridge, but I decided to take on a new and exciting challenge. Nine years and three roles later, the challenges faced by the regulator still motivate and excite me every day. Working in the public sector seemed to me, in 2006, to be a natural progression in my career and my personal interests, and that turned out to be the case.

I'm proud of the decisions and the policy matters in which I've been involved at the board. To list just a few, these have included an analysis of the appropriate cost of capital structure for distributors, multiple conservation initiatives to encourage conservation, and a new model of regulation for distributors that encourages efficiency—in particular the use of benchmarking—to assess distributor performance.

The OEB is considered a leader among energy regulators around the world, and it has been a real pleasure to be a contributor to its success.

Within its legislated mandate, and taking into account stated government policy objectives, the board has, I

believe, done a very good job in carefully balancing the sometimes competing objectives of protecting consumers and maintaining a viable regulated energy sector. Sometimes these objectives are in conflict. We've been able to balance these competing interests. For example, we've approved rate increases at a much lower rate than requested, in almost every case, while at the same time enhancing the quality and strength of the sector.

We have difficult tasks at the OEB, but I understand the challenges and importance of making sound, fair decisions in each and every case that I hear.

Going from a board member to vice-chair will bring additional responsibilities of an administrative and leadership nature, skills that I've already honed in my previous roles, both at the OEB and in my previous management capacities. I believe I'm well equipped to take on these challenges.

I'm well known in the industry, including all of the stakeholders involved in our processes. I believe my track record and reputation show that I'm fair, unbiased and able to consider a variety of perspectives.

Decisions are evidence-driven. The discipline and rigour applied is key to our regulatory process, and is one of the OEB's biggest strengths.

To conclude, I'm well equipped, based on my experiences and skills, to assume the role of vice-chair. I'm committed to fulfilling my responsibilities in a manner that upholds the reputation and integrity of the board. I will work with the chair and the existing vice-chair to build on the OEB's strengths and ensure that it continues to fully and effectively deliver on its public service mandate.

I look forward to your questions.

The Chair (Mr. John Fraser): Thank you very much, Ms. Hare. We'll begin questioning with the third party: Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Ms. Hare, for your presentation. You noted you were director of regulatory affairs at Enbridge before coming to work at the OEB.

Ms. Marika Hare: Yes, that's true.

Mr. Peter Tabuns: Did you appear before the OEB at that time?

Ms. Marika Hare: Yes, I did. I actually appeared before the OEB in a different role. Starting when I was director of environmental affairs, I appeared before the OEB, and then as director of regulatory affairs I also appeared before the OEB. Then, when I was general manager, I also had a brief appearance before the OEB.

Mr. Peter Tabuns: So you would have been a person who worked on developing the strategy for presenting a request for higher rates. Is that correct?

Ms. Marika Hare: Certainly, in my role at regulatory affairs, that was one of my roles. In the other appearances before the board, it was really to justify, for example, system expansion projects.

Mr. Peter Tabuns: Okay. You were at Enbridge for 15 years?

Ms. Marika Hare: Yes, I was.

Mr. Peter Tabuns: Last year, the OEB approved Enbridge Gas's application to boost natural gas prices by—what astonished us—40%, for an average price increase of \$400 per year per customer.

I had a chance to take a look at the case decision last night. I brought it with me. You were one of the two presiding board members who approved this 40% rate increase on behalf of your former employer. Did you feel the need to declare a conflict? Did you declare a conflict?
0910

Ms. Marika Hare: No, I did not. That was part of the quarterly rate adjustment mechanism. It's the natural gas commodity, which is a mechanistic review of the commodity rates. It's a pass-through for Enbridge Gas Distribution, just as it is for Union Gas, so they're not making money on that. It's a forecast of what the gas prices are going to be, and it's also an adjustment for what they were, based on the previous quarter.

What we did do in that case, though, is we were concerned that there was no warning to customers in advance that prices were going to go up to this extent, and yet the company would have known that they were going up, so we put in place a new mechanism so that if there's any change in the commodity price of more than 20%, they notify the board in advance, so that there is communication to customers.

Mr. Peter Tabuns: I understand that Union Gas also asked for a very high amount.

Ms. Marika Hare: Correct.

Mr. Peter Tabuns: About 30%.

Ms. Marika Hare: That's true.

Mr. Peter Tabuns: And my understanding is that they were able to come forward with a lower increase because they had purchased in advance. They had done a better job of planning storage.

The question I have for you is, why is it that none of the stockholders or investors of Enbridge took a hit on this? Why was the whole hit—the lack of preparation for a cold winter, the lack of securing of long-term contracts—all put on the shoulders of the ratepayers and not reflected back on the investors?

Ms. Marika Hare: Well, first of all, because it is a pass-through. There is no profit for utilities to do that. The difference between Union and Enbridge is, as you said, that Union has a great deal more storage, so they're able to manage their portfolio in a different way. So yes, there was a difference.

Now, as it turned out, the 40% didn't materialize, because it is based on a forecast, but it certainly was very alarming to customers to think that they would be facing that kind of an increase.

Mr. Peter Tabuns: Oh, yes. If Enbridge has not had the foresight to provide itself with storage, if it has not been following weather reports and projections as to the coming season, why is it that you as a regulator didn't say to them, "You've made a mistake. Your investors are going to have to take a hit"?

Ms. Marika Hare: Because we didn't think they made a mistake. We, as a board, do approve in their rate

cases their gas supply portfolio and their management of that gas supply. It turned out that it was a very cold—unexpectedly cold—winter, so they were not the only ones who faced these increased prices. It's unfortunate, but it's whether or not there could be blame attached to it. We felt that there wasn't.

Mr. Peter Tabuns: Don't you think it's the responsibility of fuel suppliers to have the most sophisticated weather projection specialists possible?

Ms. Marika Hare: Yes, I do.

Mr. Peter Tabuns: And in this case many people were saying this was going to be a very cold winter before the winter arrived.

Ms. Marika Hare: Yes.

Mr. Peter Tabuns: And they did not seem to have made the arrangements in terms of locking in contract prices that were needed to protect the customers.

Ms. Marika Hare: I think the thing that's worth noting is that it is a North American market for gas prices, so what happens in the States has a direct impact on what the prices are here, as well.

Mr. Peter Tabuns: I'm well aware of that, but I also know you can buy futures contracts and you can lock down a price in advance.

Ms. Marika Hare: Yes.

Mr. Peter Tabuns: And Enbridge didn't do that.

Ms. Marika Hare: Correct.

Mr. Peter Tabuns: It never had to pay for its lack of preparation for that winter. The customers, the rate-payers, had to pay.

Ms. Marika Hare: Well, yes, but when you talk about futures and contracts, Enbridge was involved at some point in what they called "hedging," and the board decided that they should not be involved in that because it was risky. They went through a number of years where their hedging activities actually lost money. This would have been a year when hedging would have been beneficial for the customers, but they were told not to do that.

Mr. Peter Tabuns: And they made no other provision when that was not allowed? They haven't made investments in storage?

Ms. Marika Hare: Not that I know of.

Mr. Peter Tabuns: For us on the other end, I imagine you can see how we might see potential for conflict here, if not materially in terms of the law, in terms of the culture that you came from.

Ms. Marika Hare: Yes.

Mr. Peter Tabuns: And in terms of a sympathy to the industry that might not be shared by those on the other end of the deal.

Ms. Marika Hare: Yes. I understand what you're saying, but I will also say that the board is very careful in how they assign the cases. For example, I'm not ever on an Enbridge rate case. I may be on the quarterly rate adjustment, I may be on conservation programs, but not on a rate case.

Secondly, I'd say—and I think I said this in my opening comments—if you look at the decisions that I've

been on, I do not believe in any respect that I showed a bias towards utilities.

Mr. Peter Tabuns: I have to say, from our side, when we see a huge cost coming through—and I had to deal with my constituents, who really were extraordinarily angry at being hit with these increases—the question that we always ask is, why is it that the investors were saved, harmless, and that was it?

Ms. Marika Hare: I understand your concern, but I can also say that if there was any other board member on that panel, the outcome would have been the same.

Mr. Peter Tabuns: Mr. Gates, do you have a question?

Mr. Wayne Gates: Yes. I just want to put on the record that—

The Chair (Mr. John Fraser): Mr. Gates. Go ahead.

Mr. Wayne Gates: I'm okay?

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: Thank you. I just want to put on the record that a 40% increase to seniors is unacceptable any way you look at it. If you were the one who voted in favour of that, I'm kind of surprised, because our seniors, certainly in my riding, are hurting; businesses are hurting. A 40% increase—I'm not going to buy the fact that it was a cold winter. I live in Canada. Our winters are cold; that's just the way it is.

The other one I want to ask: Is this a misprint? Maybe I'll go through the Chair—the vice-chair's pay is \$252,000?

The Chair (Mr. John Fraser): I believe that is what's on the materials that were provided to the committee, yes.

Mr. Wayne Gates: I obviously got into the wrong business.

All right, thanks. Those are all the questions.

The Chair (Mr. John Fraser): Mr. Tabuns.

Mr. Peter Tabuns: Where we're coming from—and members on the other side have heard this in question period: We're very concerned about regulatory capture. We've seen the United States, where you've had regulatory bodies where there's a revolving chair. People come from industry into the regulator carrying the culture of the companies that they are now regulating. Just as a lawyer in a criminal case would be happier with a judge who previously had been a criminal lawyer rather than a prosecuting lawyer, we would see having people on this board who represent ratepayers and have had a history of going to the board to oppose increases rather than coming to the board having been promoters of rate increases. So the regulatory capture issue is a very live one for us.

The Chair (Mr. John Fraser): You have about a minute, Mr. Tabuns, just so you know.

Mr. Peter Tabuns: Thank you very much, Chair.

Ms. Marika Hare: Can I respond to that?

Mr. Peter Tabuns: Yes, I would appreciate it.

Ms. Marika Hare: I do understand your concern, but I would like to point out that the board actually has a mix of people, and you do need to have people on the board

who understand the industry. It is a complicated industry, so you do need to have that expertise as well.

All I can say in my defence is that I left a better-paying job at Enbridge to join the board because I wanted to do something for the public interest.

Mr. Peter Tabuns: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Tabuns. The government side: Ms. Martins, you have about four minutes and 20 seconds.

Mrs. Cristina Martins: Thank you, Ms. Hare, for taking the time to be here today and to present to us. I'm very impressed by your experience. I worked in regulatory affairs and quality assurance in a very different industry, in the pharmaceutical industry, so I see the passion that you have that comes through when you talk about regulating an industry, as you have so eloquently spoken—

The Chair (Mr. John Fraser): Excuse me, Ms. Martins, can you just pull back a little bit from the microphone?

Mrs. Cristina Martins: Is it too loud?

The Chair (Mr. John Fraser): Yes. Sorry to interrupt you.

Interjection.

Mrs. Cristina Martins: That's the European in me coming out.

I guess the question I have for you is if you can speak to how the OEB evaluates rate applications that come before it and what sorts of costs it has prevented from being passed on to the ratepayers.

Ms. Marika Hare: The application itself is very lengthy and complicated. In fact, we've been criticized for demanding so much information. But we do have filing guidelines that require the utility to put in detail what their projected costs are going to be—because we set rates based on the projection of future costs—but also to give us what the last five years were. "Let's see what you really spent." They have to justify why they're asking for an increase.

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Unfortunately, there has been an underspending in infrastructure for the last 20 years, and now we're paying to catch up for that spending.

They put forward detailed information as to what all of their costs are, what their revenues are, what their expected revenue would be from the distribution of electricity or gas. We go through that in sometimes painstaking detail.

Mrs. Cristina Martins: Can you also then elaborate on your understanding of what your role would be as vice-chair on the OEB?

Ms. Marika Hare: As vice-chair, I would still have duties as a panel member on cases, but in addition, I would be a member of the management committee and the executive policy committee. So I'd be more involved in some of the policy initiatives that are being undertaken by the board.

Mrs. Cristina Martins: I'm not sure how much time I have left, Mr. Chair.

The Chair (Mr. John Fraser): You have just a little under two minutes.

Mrs. Cristina Martins: Given the experience that you've had on the OEB, can you speak a little bit more on the importance the OEB places on consumer protection in its rulings on natural gas and electricity rate applications?

Ms. Marika Hare: There are a number of things that the board has done in, say, the last year and a half. One of them is to try and improve customers' understanding of what an application is about and what it is we do.

There are a couple of things the board has done. One is in rate notices. We've spent a great deal of time to put it in plain language, so that when there is a notice in the newspaper, people understand what this is about.

The second thing that the board has done is it has spent quite a bit of time looking at educating customers about the whole retail market. You may have seen that there was a report issued yesterday by the board that was an assessment that was asked for by the government as to the effectiveness of the Energy Consumer Protection Act. The board takes very seriously its responsibility to educate customers and to make them aware of what's going on.

Mrs. Cristina Martins: Thank you very much. Once again, I just wanted to thank you, on behalf of the government, for being here today and for wanting to serve on the Ontario Energy Board.

Ms. Marika Hare: Thank you.

Mrs. Cristina Martins: I'm not sure if any of my colleagues have any other questions. Marie-France?

Mrs. Marie-France Lalonde: I just want to congratulate you and commend you. I don't want to stereotype, but we've seen a lot of gentlemen as CEOs and all this. I think, from a woman's perspective, it's nice to see not only the engagement but the professionalism and the experience that you will be bringing forward if you're successful in this application. Thank you.

The Chair (Mr. John Fraser): Thank you, Ms. Lalonde. That's all the time we have for this appointee—

Mr. Jim McDonell: Whoa.

The Chair (Mr. John Fraser): Oh, sorry. That's my mistake. I'm trying to cut these guys off again. I'm really sorry. This peripheral vision is going over here.

Now we'll go to Mr. McDonell, from the official opposition.

Interjections.

Mr. Jim McDonell: We're having a hard time being heard these days, eh, Randy?

Mr. Randy Pettapiece: Yes, exactly.

Mr. Jim McDonell: Thank you for coming out. I know that in the first part, we talked a lot about the natural gas side, and I guess I can see the mechanism in place. On the propane side, you're a little more outside of that regulation area?

Ms. Marika Hare: We don't regulate propane at all.

Mr. Jim McDonell: Because I see there's a case where some suppliers have been used to buying cheap gas on the spot. Last year, one of the problems we had

with natural gas was that when the spot price went up, it affected people big time. Of course, a lot of conversion was being done, but you can only do so much in the winter.

On the hydro side: There are a lot of policies that have come down from the government. There are a lot of different views on just how reasonable they are or how competitive they end up being. Do you provide any advice back to the government? Is that part of your role? Or are you just there to absorb the decisions coming down, and having to make sure that the rates allow for them?

Ms. Marika Hare: Are you speaking in particular to whether or not Hydro One is going to be privatized?

Mr. Jim McDonell: I'm thinking more that if you look at the last number of years, say, the Green Energy Act, and different policies that have come down, I'm sure that Hydro One and OPG have had to reflect, in their rates, the policies of the government.

Ms. Marika Hare: Yes, certainly. I was on Hydro One's last rate case, which was an application for five years of rates, and the decision was three years. But certainly all of the green energy policy, all of the smart meter policies are reflected in the end in the rates that they request.

Mr. Jim McDonell: We're hearing reassurance from the government: "Don't worry about the lack of public majority vote on the board of directors for Hydro One because we have the Ontario Energy Board." But, really, all you're there for is to pass on their costs. If there's a cost increase because you have to buy solar power at 80 cents, you can't alter that. You're an acceptor of the rates; you can't influence different rate prices that the government has put in place.

Ms. Marika Hare: Well, I would say that's not quite correct, because we look at where they're planning to spend the money. Let's say, for example, they are making investments in renewable energies that are more expensive. We look at those to see whether those are prudent expenditures, so they're not exactly necessarily passed on. We look to see whether they are reasonable. The same with their conservation programs, for example. We look to see whether those are reasonable.

The other thing is that it's not just a rate-making function that we have. We also look at their performance. We look at service quality indicators, and we now have a scorecard so we look at how they're performing in terms of reliability. It's broader than just rates.

Mr. Jim McDonell: Yes, but I guess my point being, if the policy of the government is that the OPG is forced to purchase power at—I think with solar it's as high as 80 cents; wind as high as, I think, certainly in the 20s, I'm not sure of the exact amount—they have to take that regardless of whether they need it or not. So these are costs that have to be passed on to consumers.

Ms. Marika Hare: In that respect, yes.

Mr. Jim McDonell: And that's part of the regulatory process: just looking at the balance sheets, looking at the costs coming in, not at really commenting on whether the

costs are fair or not because they're mandated by the government. But your job is to make sure that they're passed on as efficiently as possible.

Ms. Marika Hare: That's correct.

Mr. Jim McDonell: So we are looking at, I guess, a situation here where Ontario rates are some of the highest in the continent. All you can do is try to manage those best; the companies are allowed to actually manage them themselves.

Ms. Marika Hare: I think that's fair.

Mr. Jim McDonell: Yes, okay. Do you have a question?

Mr. Randy Pettapiece: Yes.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: Thank you. I must first start off my comments saying you do display a lot of energy.

Laughter.

Interjection: I'll give you that.

Mr. Randy Pettapiece: Thank you very much.

Mrs. Marie-France Lalonde: Sorry, it's been a long session.

Mr. Randy Pettapiece: Yes, it's been a long session. Did I blow all my time or what?

The Chair (Mr. John Fraser): No, I'll give you an extra 10 seconds.

Mr. Randy Pettapiece: I am interested in a section here in your resumé. It starts off "As a board member at the OEB...." You know, we've had all kinds of issues over the last number of years with this government's inability to manage the electric sector in this province. I'm interested in one line here that says, "I have also had the opportunity to work on a number of strategic policy matters, including the renewed regulatory framework for electricity...."

Ms. Marika Hare: Yes.

Mr. Randy Pettapiece: Could you explain to us what that is?

Ms. Marika Hare: It's a paradigm shift, in a way, in terms of trying to be much more consumer-centric, looking at the consumer and what's best for the consumer in setting rates that aren't bogged down in the setting of those rates through regulatory processes. So one of the things in that renewed regulatory framework was three ways to set rates.

One is the traditional cost of service, which is the one that I was talking about in terms of the extensive information.

Secondly, there's an incentive regulation mechanism which is mechanistic. It's basically taking the existing rates that were approved, so they were reviewed carefully, and then taking those rates and increasing them by inflation minus what's called the productivity or stretch factor. So in other words it is not just inflation—

Mr. Randy Pettapiece: Could you say that one again?

Ms. Marika Hare: I said productivity. So, in other words, as a company you should be more productive. So you don't just get inflation. You get inflation minus a productivity that you should be able to achieve. In those

cases, the distributor's increase would be something like 1.45% a year. That's the second option.

The third option is that they come forward with what they call a custom incentive regulatory mechanism. There what they do is put forward for five years what they think their costs are going to be and what they think the revenues are going to be, with, again, proof that there is an efficiency factor.

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The other thing in that renewed regulatory framework that's front and centre is this benchmarking: that you have to do better year after year compared to yourself and also compared to other distributors. It's not necessarily fair to just compare to others, because there's such a variety in our electric distributors in terms of small to very large, and they have different challenges in terms of geography and customer base, but they have to show improvement against themselves, and let's also not ignore how you're doing with, say, your neighbouring utility. Those are some of the key things in that renewed regulatory framework.

Mr. Randy Pettapiece: That's very interesting. So you're asking them to improve their operations somewhat in order to achieve more efficiency in producing electricity, if I can say that.

Ms. Marika Hare: Yes.

Mr. Randy Pettapiece: Now, you said that there are all kinds of different producers in the province: There are small ones, large ones and whatever else. I know it's sometimes hard to compare a large corporation with a small one, but would there be any incentive for them to look at smaller ones, or for smaller ones to look at bigger ones, and to incorporate some of their operation efficiencies, if I can put it that way? Is that something you would direct them to do?

Ms. Marika Hare: The whole emphasis now on benchmarking and scorecards enables us to get the information to be able to compare. One of the interesting things is that being small doesn't necessarily mean you're not efficient.

Mr. Randy Pettapiece: No, I understand that.

Ms. Marika Hare: Some of the small ones are quite efficient, and some of the large ones are inefficient, but what we're saying is that you have to learn from each other, take a look at that neighbouring utility that's doing better in terms of what their rates are and then you figure out what they're doing that you're not.

Mr. Randy Pettapiece: Yes, that's what I was saying. You don't just want to compare large ones to large ones and small ones to small ones.

Ms. Marika Hare: No.

Mr. Randy Pettapiece: Because I have a small one in my area that does a very good job. People are very happy with it. So I would expect—or I would hope—that part of this business here that we just talked about would bring them together once in a while to have a few chats.

I think Mr. McDonell had a question.

The Chair (Mr. John Fraser): Mr. McDonell, you have about a minute and a half.

Mr. Jim McDonell: We look back and we see the last couple of reports on, say, Hydro One, one being the new software they had for billing and service. Part of your mandate would be ensuring that service levels and customer service are proper. Have you provided any comments back to Hydro One about some of the issues that have come up from the Ombudsman or the Auditor General's report?

Ms. Marika Hare: That's actually not an area I've been involved in at all, because it didn't involve adjudication. I know our compliance people have been looking at that and working with Hydro One, but I have not been involved in that at all.

Mr. Jim McDonell: Certainly when they come before you for rates, that's part of the category that's looked at, right? Would you not have a keen interest in complaints? I know certainly on the telecommunications side, the CRTC is very much involved in customer complaints and customer issues. This was a severe one. It wasn't a normal one. This is one where people were billed 1,000% more than they actually should have been billed, and there was really no feedback. There was no place for them to go. I guess the Ontario Energy Board was not the place to go?

Ms. Marika Hare: No; the Ontario Energy Board is the place to go, but I wasn't personally involved in any of that.

Mr. Jim McDonell: Okay. Were you aware of anywhere the board actually stepped in to put some influence into it?

Ms. Marika Hare: All I know is that after the fact—because I did raise this in terms of the Auditor General taking steps: What did the board do?—I was told no. Because it could have been a compliance matter with the board members, the adjudicators are not involved, so only if it becomes a matter for adjudication do they see the evidence before them for the case, and they don't have previous information. I personally wasn't involved, but I do know that the board was.

The Chair (Mr. John Fraser): Thank you very much, Ms. Hare. That's all the time that we have. Thank you very much for appearing before the committee this morning.

Ms. Marika Hare: Thank you.

The Chair (Mr. John Fraser): You may stand down. We'll consider the concurrences after the conclusion of the interviews.

MS. SUSAN FRANK

Review of intended appointment, selected by third party: Susan Frank, intended appointee as member, Ontario Energy Board.

The Chair (Mr. John Fraser): Our next intended appointee is Susan Frank. Ms. Frank, can you come forward, please. Thank you very much. She's nominated as a member of the Ontario Energy Board.

Thank you very much for being here this morning, Ms. Frank. As you may have already heard, you will

have about 10 minutes to make your presentation, and it will be followed by questions from each party, beginning with the government in this round of questioning. Any time that you use for your presentation will be deducted from the government's time.

You may begin, Ms. Frank. Thank you very much.

Ms. Susan Frank: Thank you. I planned to share with you my experience that I believe will make me an effective Ontario Energy Board member, so I'm going to go through a bit of what you've seen in my resumé.

My career actually has two areas of focus. One is financial analysis, and the other is utility regulation. My education emphasized financial analysis, with an MBA majoring in finance and economics and a chartered financial analyst designation. My early work followed the financial area. I was a security investment analyst at the Bank of Nova Scotia and with Financial Models, which later became Morningstar Canada.

This period was really financially oriented. It developed my ability to quickly analyze a company and determine what their financial health was. This will be helpful as a board member because you are looking at a lot of financial information.

During a six-year period in the 1980s, I commenced my interest in utility regulation. I started looking at the financial returns of utilities and supported consumer interest groups that thought these returns were too high and that something should be done to lower the return on the equity investment. This information was shared with a variety of boards: the National Energy Board, the Public Utilities Board of Alberta, the British Columbia Utilities Commission and the Ontario Energy Board.

In 1990, I decided that the interest of consumers might be better served if I joined a utility and saw what I could do on the inside of a utility in terms of lowering costs and protecting rates. I held several positions, originally at the old Ontario Hydro and then, more recently, at Hydro One. I worked in financial planning, financial reporting, risk management, internal control, preparing rate applications and defending rate applications before the Ontario Energy Board.

In 1998, when Ontario Hydro separated, I joined Hydro One, and I started in the financial aspects of utility regulation. Then in 2005, now a decade ago, I was appointed as the vice-president and chief regulatory officer. During those 10 years, I managed a variety of regulatory filings. Naturally, there were rate filings, there were leaves to construct, and there were mergers of utilities that I all managed. In addition to that, I looked at compliance with the various regulations, codes and licence requirements.

One of the large leaves to construct that I filed was the Bruce-to-Milton project, which was very large and one of the very few large transmission lines that was recently built. It was at a cost of just in excess of \$600 million.

We're currently—"we"; I have left Hydro One. It's a lingering thing, saying "we." I'm no longer associated with them; I retired as of May 1. One of my last tasks was the consolidation of small acquired utilities. That was

also oriented toward getting efficiencies, trying to merge utilities together and eliminating some common costs.

The retirement, as I said, on May 1 meant that I no longer have any association with Hydro One. I'm now ready to take on a new challenge. I thought that working with the Ontario Energy Board would complete my examination of utility regulations, starting with the perspective of the consumer and being very concerned about utilities not earning too high rates, then moving on to looking at all the costs and trying to be efficient at a utility, and now as the party that examines both of these and makes a decision.

I believe that the decision-maker needs to reflect both the interest of the customer in the short term and, in the longer term, the service and performance of the utilities.

Those are my comments.

The Chair (Mr. John Fraser): Thank you very much, Ms. Frank. We'll begin with the government. Mr. Delaney. You have a little under six minutes.

Mr. Bob Delaney: Perhaps you could speak to us a little bit more and expand a bit on your previous experience in advocating for consumers, which kind of interests me, and how you feel that experience has prepared you for the role, as you understand it, of a part-time member of the OEB board.

Ms. Susan Frank: When I started this, supporting the consumers' interest, it really was very focused on a financial perspective. What is the return that the utilities are earning? That's embedded in their cost to serve. It's called a return on equity. Naturally, when you're working for consumer groups, their objective is to get that as low as possible.

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I worked very hard and was normally successful in lowering the allowed returns, and that was in the earlier days when it was less formulaic than it is today. Today there's a formula and it's very mechanically based off of interest rates, so the work that I was doing as a consultant in that period is work that really doesn't exist much today.

But it did allow me to understand utilities not only as a utility, but in comparison to other non-utility business, and what's fair and equitable. Periodically, the board will look at what are appropriate returns. I think I'd be very beneficial to an examination of that sort. But the underlying concern for customers' rates is something that I developed during that time.

Mr. Bob Delaney: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you very much. Ms. Vernile.

Ms. Daiene Vernile: Good morning, Ms. Frank. I see that you attended the University of Guelph, which is just down the street from me in Kitchener Centre. I want to welcome you and thank you for putting your name forward for this position.

The one thing that is very top of mind these days for many people in Ontario is hydro rates. We have a great deal of discussion about this. We know that there are a number of provinces in Canada that do pay more than we

pay here, and there are jurisdictions in the States, too, that pay an awful lot more. So I want to ask you: As a member of this board, what would you do to advocate for consumers to ensure that we continue to have manageable rates in Ontario?

Ms. Susan Frank: The first thing that I think is important is to understand what the consumers want from their electricity service. We've heard from Ms. Hare. The board is certainly increasing its interest in understanding what the consumer wants, and out there, approaching consumers, utilities are forced to do that as well.

I would be very interested in finding out what the customers of a utility expect from that utility in terms of level of reliability, in terms of access for services, in terms of customer support, in terms of education and conservation. Knowing that would be very informative in determining what it would cost to provide those services.

Ms. Daiene Vernile: Do you feel that Ontarians currently have a full understanding of what they pay compared to what other Canadians pay? Because there are other provinces where people pay much more than we do.

Ms. Susan Frank: No, I don't think they have a good understanding. It's not surprising because you are a bit captive. You pay what you need to pay for the area that you live in; therefore, what others pay maybe isn't top of mind.

Ms. Daiene Vernile: Do you specifically have any goals or visions for yourself? If you were to be on this board, what do you want to do?

Ms. Susan Frank: I would like to bring that balance that I believe is required between customers' needs in the short term—which tend to be very price-oriented—and the longer term, in terms of service and performance expectations. I think that having been on both sides of this, I will be able to contribute to that balance. Naturally, there will be many things that I learn in this new position that I'm looking forward to.

Ms. Daiene Vernile: Are there a few things from your past history that would specifically inform you to be a good member of this board?

Ms. Susan Frank: I believe there are. One of the comments we heard earlier today was about the benefits of benchmarking. Benchmarking is certainly a significant challenge when you compare large and small or different jurisdictions. I think I would be able to provide some assistance in terms of how we get better benchmarking.

Ms. Daiene Vernile: Tell us a little bit more benchmarking. What do you mean by that?

Ms. Susan Frank: Benchmarking is on a variety of fronts. It's an efficiency-type interest in terms of cost for service, but there are also performance reliability-type items—response time to telephone calls, response time to getting to an outage and clearing an outage. You can benchmark on all of these—so the cost-efficiency part of it, but a large variety of service as well.

Ms. Daiene Vernile: Thank you very much.

Mrs. Marie-France Lalonde: Do we still have time?

The Chair (Mr. John Fraser): About 30 seconds.

Mrs. Cristina Martins: I just wanted to say, Ms. Frank, thank you so much for coming in. It is absolutely amazing that we have here before us today at this committee two fantastic women in very senior positions, just to echo what Madame Lalonde had said earlier. Thank you.

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: Yes, thank you for coming in today. I guess it's reassuring to see an economist going in on the Ontario Energy Board.

You've been involved with Hydro One, especially with the regulatory side, for many years, so you've seen—as far as involved with setting rates.

Ms. Susan Frank: Yes.

Mr. Jim McDonell: Hydro One is mainly a distribution and transmission company, really, you might say.

Ms. Susan Frank: I'd say exclusively.

Mr. Jim McDonell: Yes. I certainly lived through the time of the small municipal electrical companies. Some were run well; some were nightmares. You're talking about companies that have 100 customers. It's very difficult to get any expertise. Certainly it was a program that I think has brought our system much further ahead. An interesting stat I heard this morning was improvements in technology, especially around diesel generation, that costs as low as 13.5 cents are possible for local generation of hydro power or electricity rates, which means that when we're actually charging more for the electrical system, there's a good chance there will start to be an exodus or people removing themselves from the grid to benefit from this cheaper power.

What problems do you see as technology moves ahead and the costs actually go down for local power? We have a huge stranded debt here—a huge investment here that has to be paid for one way or the other, whether we use it or not.

Ms. Susan Frank: I think there will be a change in the balance between self-generation or local generation and generation that is taken from the grid, as you suggested. In the end, most people want that reliability—when that local generation is not available, that they can turn to the grid and have a broader base of access to power. So I don't think that it will be eliminated. I think we will have a grid around for certainly my future.

In terms of the costs, I think that the less the system is used, the more building will have to happen, and that will constrain the costs of the grid and the ongoing costs to support it.

Mr. Jim McDonell: With Hydro One, we had a huge issue over the last couple of years with this billing issue. Any involvement in that, or any—what's your take on it? We saw a report come out just a couple of weeks ago that talked about people being billed tens of thousands of dollars when actually their bill was in the hundreds; refused to get money paid back, given to them in the form of credits. It was a system that if we did it, we'd be in jail. It borders on stealing. But Hydro One, a big company, went out and got away with it for years until it was identified by the Ombudsman. It just doesn't seem

the way that a private corporation would be allowed to work, let alone a public corporation such as Hydro One.

Ms. Susan Frank: I'm just waiting for the question.

Mr. Jim McDonell: Your opinion of just what went on and how it could go on for years, actually, before—it's only when it becomes very public that any steps are taken.

Ms. Susan Frank: Okay. Actually, the first complaints—and customers did complain about errors in their bills. The first complaints came to the Ontario Energy Board—the compliance group—and to Hydro One. The Ombudsman wasn't appointed to start the investigation until there was actually a bit of evidence that there was a problem.

Mr. Jim McDonell: But saying that, Hydro One had been involved in complaints for more than a year, with very little action. Actually, our MPPs' offices—in the report, we were very clear that we couldn't get answers. It was interesting that when the story broke, every one of us got a call from the CEO of Hydro One, after years of being refused to be talked to. I can't speak for the NDP caucus, but everyone in our PC caucus got a call within a week, which was telling, I guess.

Ms. Susan Frank: First of all, let me say that I personally was not involved in the billing system, either its building or its rolling out. My involvement was with the Ontario Energy Board and the meetings that we had with the Ontario Energy Board every two weeks dealing with customer complaints and compliance and actions being taken. It was, as you suggested, a very large system, and large IT systems are known to have their problems. This one had significant problems; I'd agree with that.

0950

We were certainly reporting—and that's the part that I was involved in—and looking at how to keep the Ontario Energy Board well informed. The outreach that happened to the various MPPs and their offices was not something, once again, that I was involved in.

Mr. Jim McDonell: I think we saw in the report as well that one of the issues was that the government wasn't kept informed of what was going on—that it was on the energy board that they were even involved in that part of the services, other than joining a regulatory process.

Saying that, I also heard just from the other side about our low prices, but we see every day where we get letters from companies saying that they're offered to go into either Michigan or New York, or in the case of Xstrata in Timmins, where they moved across into Quebec—a huge savings in electricity. This is what we're seeing, actually: jobs leaving. I guess I'm surprised when I still hear comments that we have some of the cheapest power, because everything tells us differently. Any comment on that? Are rates some of the lowest on the continent?

Ms. Daiene Vernile: Point of order, Chair.

The Chair (Mr. John Fraser): Yes, Ms. Vernile.

Ms. Daiene Vernile: I never used the word “cheaper.” I said “reasonable and comparative,” but not “cheaper.”

The Chair (Mr. John Fraser): Okay, thank you very much. That's—

Mr. Jim McDonell: I think you did use the word “cheaper.”

Ms. Daiene Vernile: Oh, I did not use the word “cheaper.”

The Chair (Mr. John Fraser): Okay. We have a witness in here that we're interviewing. Thank you very much for your point of order.

Mr. Pettapiece, did you have some comments?

Mr. Randy Pettapiece: Yes, thank you, Chair. I don't know whether this would pertain to you, but I'm going to tell you a story about a farmer in our area. I come from a very agricultural riding. It had to do with Ontario Hydro. He was expanding his dryer operation. They'd been in that business for a number of years and needed more power to his—and the reason I'm asking this question was because I was reading this mandate letter and it says to protect the interests of consumers, promote economic efficiency—the cost-effectiveness of the sector—facilitate the sector's viability, promote electricity conservation and stuff like that. It's in the mandate letter.

This farmer gave me a call because he had called Ontario Hydro, which was the natural thing to do, and he needed three-phase power to go to his farm and was quite willing to pay the costs of installing that because that's what happens. He had three-phase power close, but he had to get it in to where he was.

When Ontario Hydro got done with him—he ended up going to a diesel generator. They were very—how can I say? It was, “Take this deal or leave it, and we don't really care.” I called Hydro people about it. I told my story twice, once at the phone call that we got from the chief over there after this other stuff broke and another one from a young fellow they sent around to the MPPs' office to ask our concerns. I told him that story too. I've never heard anything back about it.

Like I say, I don't know whether this pertains to you or not, but as I read this mandate letter, is this something that you think you would get involved with on the OEB in this role?

Ms. Susan Frank: I doubt it, primarily because the role that, as a board member, I would be involved in adjudication of cases. This sounds like a compliance issue, and the compliance group would deal with that. Are they fairly giving the customer an offer to connect that is consistent with all the licences and the codes?

Mr. Randy Pettapiece: No, that wasn't the issue here. The issue was, when Hydro walked in and told him the costs of what they wanted to do, the estimate was plus or minus 50%. That's the parameters of this thing. It could have been 50% less when they got done with putting the poles and the line in. It could have been 50% more. Nobody does business like that.

So he put a diesel generator in for his dryer operation. It's certainly not as handy as what hydro would be, with the lines connected up, but he doesn't have to deal with Hydro One anymore, which he's thankful for. Also, probably in the very near future, he is going to be gener-

ating power for less money than Hydro One because the rates keep going up. He's not really that happy. The one thing he's not happy about is that he has to run a diesel motor. The man doesn't believe in—

The Chair (Mr. John Fraser): Mr. Pettapiece, that's all the time that we have. Thank you very much.

Members of the third party: Mr. Tabuns?

Mr. Peter Tabuns: Thank you, Mr. Chair. Ms. Frank, thank you for appearing this morning. The government has a very good chance in the next few days—it has the numbers—of passing its budget. At that point, the terrain that we're operating on will change very substantially in our dealings with Hydro One. The Premier has made it very clear that the OEB is the primary line of defence for the interests of ratepayers. The Auditor General is out of the picture; the Ombudsman is out of the picture; the privacy commissioner is out of the picture. All of those officers we depend on to protect the interests of ratepayers in dealing with a very central and powerful institution—a very necessary institution—are gone. Members of the OEB will be the major line of defence for dealing with rates. So it behooves us, I believe, as a committee, to appoint people who have the defence of consumer interests primary in their mind.

You were the vice-president and chief regulatory officer at Hydro One. Your job was to represent Hydro One's interests at the OEB; is that correct?

Ms. Susan Frank: That's correct.

Mr. Peter Tabuns: Can you understand how the public might be worried to have someone who spent overwhelmingly the bulk of her career working for an energy company making sure that its rate needs were satisfied—can you see how the public might feel that you would have greater loyalty to that energy company and that energy system than to them?

Ms. Susan Frank: I understand the concern you're expressing, Mr. Tabuns, but I can assure you that I will not be involved in the regulation of Hydro One. There would be a concern about the potential for a conflict, so I won't be involved in setting rates or allowing them to build new transmission. That will not be something that I would be sitting on.

Mr. Peter Tabuns: So you will be eliminated from all Hydro One hearings?

Ms. Susan Frank: Yes, that's my expectation.

Mr. Peter Tabuns: Will you be eliminated from hearings for Ontario Power Generation?

Ms. Susan Frank: I'm uncertain about that. I suspect that that will be fine, as I was not involved in defending the cost to serve Ontario Power Generation. But that decision will be left to the chair as to what she feels is appropriate, and any potential conflict—I know they're very concerned about conflicts of interest and will ensure that there is not only no conflict but no appearance of conflict either.

Mr. Peter Tabuns: Does that mean you won't be sitting on any hearings for local distribution companies?

Ms. Susan Frank: Oh, I think local distribution companies will be something that I will be sitting on, and certainly gas.

Mr. Peter Tabuns: You've spent most of your career working for these major utilities. You have a sense of energy and power on a province-wide basis. Can you understand why the public might be concerned that you would be more sympathetic to investment in very large-scale transmission or generation, power provision by big companies, and less sympathetic towards their concerns as ratepayers and their interest in conservation?

Ms. Susan Frank: As I indicated in my opening comments, I started my career looking at customers and their concern for rates; that's where I started. Throughout my time, I believe I have a very clear record on the balance with concerns for customers and delivering what they want in terms of reliability, access to utility, and response times. I think there would be adequate demonstration that my concern is to start with what the customer wants and then give the customer what they want at the most efficient cost possible. I think there would be adequate evidence to show that they shouldn't be concerned with me.

Mr. Peter Tabuns: And you would be conflicted out on Hydro One because your pension comes from Hydro One?

Ms. Susan Frank: Yes, it does.

1000

Mr. Peter Tabuns: Okay. And do you draw a pension from OPG, as well?

Ms. Susan Frank: No.

Mr. Peter Tabuns: So when they were broken up, you were switched entirely over to Hydro One?

Ms. Susan Frank: Entirely to Hydro One.

Mr. Peter Tabuns: Do you see the interrelationship of interests between gas providers, since we have a huge volume of gas generation/transmission companies, and, frankly, in the end, the whole energy system in this province?

Ms. Susan Frank: The gas providers will be on the commodity side, where I've had no involvement whatsoever. I was just on the delivery, both transmission and distribution delivery. That's it—no involvement with the gas.

Mr. Peter Tabuns: What do you see as the role of the OEB in this new privatized Hydro One environment?

Ms. Susan Frank: I end up thinking that the regulation will not change materially from what they do today, from a rate perspective. When I look at the ownership of local distribution companies, some of them are privately held and some are municipally held, and it doesn't seem to make a difference in terms of the information that's requested or the thoroughness of the review. So I'm not convinced it will make a difference.

Mr. Peter Tabuns: As you heard with the previous presenter, the OEB approved a 40% price increase for Enbridge, and there had been a history between the presenter and that company. Even if that person wasn't in a position where they owned any piece of Enbridge, can you see how the public might fear that there would be a community of interest or a community of viewpoint between someone who had previously worked in the energy sector—sitting on a regulatory board?

Ms. Susan Frank: I do understand the concern that you're expressing. On the other hand, it is a very complex area to understand, and I do think there does need to be a balance in terms of the membership: some people who understand the utility industry, as well as people who understand the legal aspects, and people from a customer perspective. I think the board has representatives from all of these, so the balance is there.

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Wayne Gates: Just a question I wish I would have asked last time, as well: Do you support selling Hydro One?

Ms. Susan Frank: This is certainly nothing for me to engage in. I'm just not going to comment on that. It's not my role to do anything with that.

Mr. Wayne Gates: You don't want to answer the question?

Ms. Susan Frank: I don't want to answer that question.

Mr. Wayne Gates: Okay. You retired on May 1?

Ms. Susan Frank: I did.

Mr. Wayne Gates: Just back to Peter's thing: Do they have pensions from Hydro One as part of the retirement? If I retired from General Motors, I'd get a pension. Do they have that as well with Hydro One?

Ms. Susan Frank: Yes. I have a Hydro One pension.

Mr. Wayne Gates: Thank you.

The Chair (Mr. John Fraser): Mr. Tabuns.

Mr. Peter Tabuns: I have no further questions.

The Chair (Mr. John Fraser): Ms. Frank, thank you very much for being here. We appreciate it very much.

We'll consider the concurrences for both intended appointees shortly.

I do want to make one point of clarification. Ms. Vernile, on your point of order: It was not a point of order. You're certainly allowed to correct your record. It was more a point of debate, and that's why we moved on. I didn't fully explain that, and I just wanted to point that out, as well.

Ms. Daiene Vernile: Thank you, Chair.

The Chair (Mr. John Fraser): Thank you very much. Mr. Tabuns?

Mr. Peter Tabuns: I assume you're moving to the question of voting on—

The Chair (Mr. John Fraser): On the concurrences, yes.

Mr. Peter Tabuns: I'd ask, in both cases, Mr. Chair, that there be a recorded vote.

The Chair (Mr. John Fraser): Okay. It will be a recorded vote.

We will now consider the concurrence for Marika Hare, nominated as member and vice-chair of the Ontario Energy Board. Would someone please move the concurrence? Ms. Martins.

Mrs. Cristina Martins: I move concurrence in the attended appointment of Marika Hare, nominated as member and vice-chair, Ontario Energy Board.

The Chair (Mr. John Fraser): Do we have any discussion?

Ayes

Delaney, Lalonde, Malhi, Martins, McDonell, Pettapiece, Vernile.

Nays

Tabuns.

The Chair (Mr. John Fraser): And Mr. Gates?

Mr. Peter Tabuns: We tried, but we only get one.

The Chair (Mr. John Fraser): You only get one; that's right. Sorry. Okay, good point. My mistake. There we go.

Thank you very much. Congratulations, Ms. Hare.

We'll now consider the concurrence for Ms. Susan Frank, nominated as a member of the Ontario Energy Board. Would someone please move the concurrence? Ms. Martins.

Mrs. Cristina Martins: I move concurrence in the intended appointment of Susan Frank, nominated as member, Ontario Energy Board.

Mr. Peter Tabuns: Chair?

The Chair (Mr. John Fraser): Yes, Mr. Tabuns?

Mr. Peter Tabuns: Brief commentary?

The Chair (Mr. John Fraser): Any discussion?

Mr. Peter Tabuns: Yes.

The Chair (Mr. John Fraser): Okay. Mr. Tabuns.

Mr. Peter Tabuns: Thank you. Mr. Chair, I have no interest in impugning the abilities or the integrity of these witnesses. I can't judge in a substantial way. When I've taken part in hiring processes, I've done multiple interviews to try to get a sense of a person. Based on the paper before us and their testimony, I'm not going to argue about those elements in what's before us.

I will object to this appointment, as I did to the previous one, on the basis that this government is radically changing the framework within which Hydro One will be controlled, and that means, in my opinion, that the board has to become much more a consumer advocate. The other safeguards that have protected Ontarians for decades are being cleared away. One of the great dangers I think we're going to face, even where there is no obvious or material conflict of interest, is capture of the board by people whose history and culture is that of supporting or working for large energy companies. I think in those circumstances it behooves us on this committee and in this Legislature to make sure that the OEB is not a speed bump when it comes to rate increases, but a very substantial wall that is only moved aside when it is absolutely necessary for the ratepayers' interests.

I just wanted to make that clear, Mr. Chair, about these two appointments.

The Chair (Mr. John Fraser): Thank you very much. This is a point of clarification: Did you ask for a recorded vote on both—

Mr. Peter Tabuns: Yes, I did.

The Chair (Mr. John Fraser): You did. Okay. I wanted to make sure.

Is there any further discussion? Mr. McDonell.

Mr. Jim McDonell: Yes, I would just like to comment—again, not to comment on the appointments today, because I think it's really the organization. We hear time and time again the excuse of how the Ontario Energy Board is how things are going to be looked after, after Hydro One leaves the public sector. Really, we're witnessing that they aren't involved in complaints. I think that it's going to have to change to a body like the CRTC, which hears complaints and looks into them.

We just went through a period of more than two years where complaints were ignored. They were very public and very damaging to the point of creating great hardship for people who couldn't afford any alternatives. Even small companies were on the verge of bankruptcy because of what happened. There was no voice until the story broke in the newspapers and the Ombudsman took it on.

I think we want to see a system—the government has been promising, “Don't worry. The Ontario Energy Board is going to look after this.” They've got to make some changes to make sure they are advocates.

The Chair (Mr. John Fraser): Any further discussion? Again, it's a recorded vote.

Ayes

Delaney, Lalonde, Malhi, Martins, McDonell, Pettapiece, Vernile.

Nays

Tabuns.

The Chair (Mr. John Fraser): Thank you very much. Congratulations, Ms. Frank. It's carried.

Mr. Bob Delaney: Chair, just before we start the next part of our agenda, can we have a five-minute compassionate break?

The Chair (Mr. John Fraser): We do have some deadline extensions as well.

Mr. Bob Delaney: Okay, all right.

The Chair (Mr. John Fraser): We also have three members to the same board who will expire June 14, so I would just like to put forward that we extend those to September 15. Do we have unanimous agreement to extend the deadline to consider the intended—pardon me?

Mr. Peter Tabuns: Before you do that, what will be the consequence of not voting for unanimous consent to extend those members?

The Chair (Mr. John Fraser): Then they will expire and they will not be required to come before committee.

Mr. Jim McDonell: So they'll just be appointed?

Interjection.

The Chair (Mr. John Fraser): It would be automatic.
1010

Mrs. Marie-France Lalonde: Sorry, Mr. Chair, can you just repeat the question? I'm sorry, I was—

The Chair (Mr. John Fraser): We are extending the deadline for three people who are being appointed to the Ontario Energy Board, to September 15 from—

Mr. Bob Delaney: Just for clarification, Chair, does this require unanimous consent?

The Chair (Mr. John Fraser): It does require unanimous consent, yes. I'll put the question, unless somebody else has another question.

Do we have unanimous consent to extend the deadline to consider the intended appointments of Victoria Christie, nominated as member of the Ontario Energy Board; Paul Pastirik, nominated as member of the Ontario Energy Board; and Peter Thompson, nominated as member of the Ontario Energy Board—all three expire June 14—to extend it to September 15, which is our first meeting back?

Do I have unanimous consent? We don't have unanimous consent.

Mr. Jim McDonell: So are we going to meet next week? The board has the ability to meet to review them. Is that the alternative?

The Chair (Mr. John Fraser): No. The answer to the question would be that there's no unanimous consent for moving those forward right now. Unless we met next week, we would be unable to extend those deadlines.

Mr. Jim McDonell: Does this committee have the ability to meet to review intended appointments at any time?

The Chair (Mr. John Fraser): Throughout the year we can meet to review extending appointments.

Mr. Jim McDonell: As required to do this?

The Chair (Mr. John Fraser): Yes.

Mr. Jim McDonell: I guess if we have no agreement to do this, we have the ability, then, as a committee to—our job is to review these appointments, and if it requires that we meet, then it's our requirement to meet. I guess if the government doesn't want to work—I mean, this is something I've never seen in my four years here, not getting unanimous consent. I guess this is a new tactic. But it's always given. If you don't want to do it, then, it's our job as the committee to meet. We have no choice, really. I guess we let things lapse without doing our job, but our job is to review these appointments.

The Chair (Mr. John Fraser): Mr. Delaney?

Mr. Bob Delaney: Chair, the government would support extending these appointments by 30 days.

Interjection.

The Chair (Mr. John Fraser): Okay. Thank you very much, Mr. Delaney. I will put the question again. Do we have unanimous agreement to extend the deadline—yes?

Mr. Jim McDonell: May I suggest that, if we're already talking about meeting in the middle of July, that we go to at least the end of July, when we'll be meeting anyway?

The Chair (Mr. John Fraser): Do you want me to put the question of 30 days, or is July 31 acceptable?

Mr. Bob Delaney: Why don't we put that down in the form of a motion? If this was going to be easy, that's fine, but if Mr. McDonell would like to make that as a motion, perhaps the committee can consider a motion.

Interjection.

The Chair (Mr. John Fraser): It's unanimous consent, so I'm going to go forward with the original unanimous consent, as proposed by Mr. Delaney, and then we'll go from there.

Mr. Peter Tabuns: So that's a 30-day—

The Chair (Mr. John Fraser): A 30-day extension.

Mr. Peter Tabuns: Which would allow those appointees to come before a hearing at committee. Correct?

The Chair (Mr. John Fraser): That's correct.

Mr. Peter Tabuns: As opposed to them automatically being appointed to the board.

The Chair (Mr. John Fraser): That's correct.

I'm looking to the clock. Do we have unanimous consent to extend the deadline to consider the intended appointments of Victoria Christie, nominated as member of the Ontario Energy Board; Paul Pastirik, nominated as member of the Ontario Energy Board; and Peter Thompson, nominated as member of the Ontario Energy Board, to July 14, 2015? Do we have unanimous consent? Okay, that's done.

Mr. Gates?

Mr. Wayne Gates: I just want to have clarification. Obviously, I haven't been on this committee for four

years. Is this the first time that something like this has happened over the course of a number of years?

Mr. Jim McDonell: Well, the first time since 2011.

Mr. Wayne Gates: Since 2011? Okay.

The Chair (Mr. John Fraser): I couldn't answer that question for you, Mr. Gates.

Mr. Wayne Gates: You haven't been here either. I know.

The Chair (Mr. John Fraser): I haven't been here that long either.

Mr. McDonell?

Mr. Jim McDonell: Could I ask for unanimous consent that it go to the end of July, since we are to meet sometime in—

The Chair (Mr. John Fraser): If you want to put that forward as a motion—

Interjection.

The Chair (Mr. John Fraser): Okay. Is there unanimous consent to go until—what date, Mr. McDonell?

Mr. Jim McDonell: To July 31.

The Chair (Mr. John Fraser): July 31? I hear a no. I heard a no.

Okay. We have to adjourn.

The committee adjourned at 1015.

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Mardi 1^{er} septembre 2015

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 1 September 2015

Mardi 1^{er} septembre 2015*The committee met at 0902 in room 151.*WITHDRAWAL OF INTENDED
APPOINTMENTS

The Chair (Mr. John Fraser): Good morning and welcome back, folks. It's great to see you all again. We've got a busy day ahead of us.

I'd just like to read this statement with regard to some intended appointments: I'd like to advise the committee that the nominations of four intended appointees who were selected to appear before this committee have been withdrawn. The intended appointees are: Darryl Tempest, nominated as member of the complaints committee and the discipline committee of the Council of the Registered Insurance Brokers of Ontario; Suzanne Peterson, nominated as member of the Shelburne Police Services Board; Donald Paul Ayotte, nominated as member of the Central East Local Health Integration Network; and Kathleen Elliott, nominated as member of the Animal Care Review Board, the Fire Safety Commission, the Licence Appeal Tribunal, the Ontario Civilian Police Commission and the Ontario Parole Board. Their nominations will not be considered by this committee.

SUBCOMMITTEE REPORTS

The Chair (Mr. John Fraser): I'd like to move to subcommittee reports. We have five subcommittee reports today.

I'd like to get a motion with regard to the subcommittee report for June 4, 2015. Can I have someone put that forward? Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, June 4, 2015.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? Carried.

I'd like to get a motion with concern to the subcommittee report for June 11, 2015. Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, June 11, 2015.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? Carried.

I'd like to get someone to put forward the subcommittee report for July 2, 2015. Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, July 2, 2015.

The Chair (Mr. John Fraser): Any discussion? Those in favour? Opposed? Carried.

The subcommittee report dated July 30, 2015—Mr. Gates?

Mr. Wayne Gates: I move the adoption of the subcommittee report on intended appointments dated Thursday, July 30, 2015.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried.

The subcommittee report dated August 20, 2015—Mr. Gates?

Mr. Wayne Gates: I move the adoption of the subcommittee report on intended appointments dated Thursday, August 20, 2015. I'd like a recorded vote on that one, please.

The Chair (Mr. John Fraser): Any discussion?

Mr. Jim McDonell: Is that July 15—is that the one we're talking about now?

The Chair (Mr. John Fraser): Pardon me; sorry?

Mr. Jim McDonell: Which one are we talking about right now?

The Chair (Mr. John Fraser): August 20. Any discussion?

Mr. Jim McDonell: No.

The Chair (Mr. John Fraser): It's a recorded vote.

Ayes

Ballard, Dhillon, Gates, Hoggarth, Lalonde, Malhi, McDonell, Pettapiece.

The Chair (Mr. John Fraser): Okay—

Mr. Wayne Gates: I just want to make sure everybody could raise their arms first thing in the morning.

The Chair (Mr. John Fraser): Your hand was—

Mr. Wayne Gates: I was watching all the votes; nobody was waving their hands.

The Chair (Mr. John Fraser): Mr. Gates had his hand up, too.

Interjection.

The Chair (Mr. John Fraser): There we go. Thanks for getting everybody—

Interjections.

Mr. Wayne Gates: I just noticed nobody was, so I just thought, you know what, we're going to be here all day, we might as well—

The Chair (Mr. John Fraser): It was a good point. We will. I'm looking forward to it. Mr. Gates has a point. It's going to be a long day. We have 14 intended appointees today, so we have a lot of work ahead of us.

INTENDED APPOINTMENTS

MS. JILLIAN SWARTZ

Review of intended appointment, selected by third party: Jillian Swartz, intended appointee as member, Wilfrid Laurier University board of governors.

The Chair (Mr. John Fraser): I'd like to start with our first appointment of the day. Our first appointment is Jillian Swartz, nominated as member, Wilfrid Laurier University board of governors.

Ms. Swartz, would you come forward. Thank you very much for being here today.

Ms. Jillian Swartz: Thank you, Mr. Chair.

The Chair (Mr. John Fraser): You will have an opportunity to make a brief opening statement and then members of each party will have 10 minutes to ask you some questions. Any time that you use will be taken from the government's time. Our question begins with the official opposition. You may proceed.

Ms. Jillian Swartz: Thank you, Mr. Chair. It's an honour and a privilege, really, to be here this morning. It's quite an experience. I understand many university appointees, historically, have not come before this committee, so this is all new ground for me. It's pretty exciting.

I will give you a bit of a brief introduction about me and then I understand the floor will be open for questions. I'm a lawyer, so I apologize in advance. We try to be brief, but we're not always that brief.

I'm currently a partner in the law firm of Allen McDonald Swartz LLP. You will notice when I submitted my application, in the package that you have, that I was a partner at Blake, Cassels and Graydon LLP. I had been there since 1992, so for over 23 years. As of August 18, I've made the move to a boutique firm that practises corporate law, capital markets transactions and securities law. I think it's a terrific opportunity but it is a mid-career jump. I think it's going to be pretty exciting. I practise corporate law. I practise mergers and acquisitions, technology and not-for-profit. I've been advising charities and not-for-profits in the area of governance for almost 20 years.

Let me give you a little bit more about my background. I graduated from Wilfrid Laurier University in 1991, with distinction, with a bachelor of business administration.

After Laurier, I immediately went to law school at the University of Toronto, just up the street, and graduated with my bachelor of laws degree in 1994.

I'm married to Robert; I have been for over 20 years. We have two kids: Matthew, who is almost 14—in a couple of weeks—and Sarah, who's 11.

I've been on the Laurier board since July 1, 2012, and subject to appointment by cabinet, I'll be serving as the vice-chair. I also serve as the chair of the buildings and property committee and I sit on the executive and governance committee.

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During my three years, I've also acted as chair of the real estate working group. I was a member of the Human Resources and Compensation Committee, a member of the pensions committee, and I was also on the evaluation committee for the dean of the faculty of education.

As these members will know, the post-secondary education sector is under significant challenge. There have been a lot of changes in the sector. The demographics are not going our way. The pool of candidates between 18 and 24 is shrinking—which is great for my kids, who will probably get into university, although I try not to tell them that—but there's also a tighter fiscal environment, and you are very familiar with that, probably better than I.

The funding formula: My understanding is that it's under review, and each of the universities has been asked to sign strategic mandate agreements to make sure that they have a vision, that they have a plan to reach that vision, that they're using their resources in a very responsible way and focusing on where they can really be excellent.

In addition, as you all will know from reading the newspaper, including this week and last, the universities are coming under much more public scrutiny. We are on the front page of the newspaper on a regular basis.

I think the board has a very important mandate. We have basically three mandates, although you can argue there are many more. One is to make sure that the university meets its strategic goals. The second one is to make sure that the university is fiscally responsible and can keep its budgetary requirements. The third is to make sure that the president of the university, the head of the university, is held accountable to meet those things. We have a very strong board at Laurier, and I've been delighted to be a member there for the last three years.

I think you can see from my brief CV and introduction that I'm very dedicated to Laurier. It has a special place in my heart. It always has. When I went there in 1987, it was a warm, small university where the professors all knew who you were. They knew you by name and they took an interest in your success. I think we're still that same university. We're a little bit bigger, but still a very personal university and really a great institution.

I'm familiar with the challenges of the sector and of the university in particular. These include things that are right across the sector: large pension deficits, deferred maintenance problems, tighter financial controls. Laurier has a special area of concern, that there seems to be a lot of press attention about whether there really is room for a liberal arts education. That can be debated. It's not a debate we're probably going to have today. But Laurier is coming under a significant amount of pressure as a result of where it believes its core strengths are.

As a result, I think I'm qualified to be on this board and I would be honoured to continue to serve for the next three years.

That's the end of my opening remarks. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Swartz. Mr. McDonell?

Mr. Jim McDonell: Thank you for coming out today. Just to elaborate a little bit more: You talked about the university coming under significant pressure recently. Maybe just expand on that somewhat?

Ms. Jillian Swartz: Sure. I think there has been a lot of information in the press—and some things that I'm privy to that I can't share here—that the government is trying to keep restraint on the finances. My understanding is that they have budgetary goals, to reach certain budgetary surpluses at a particular period of time. That means, for example, 0% mandates as to wage increases—wages are about 80% of the budget for universities—and that makes it difficult. That makes a difficult negotiating environment with the unions, of course. It makes it difficult to continue to expand. The funding formula, as you know, has historically been a “bums in seats”-based formula, and so universities have significant desire and incentive to continue to expand. But there have been a lot of financial pressures.

Laurier, I think, has done, frankly, a terrific job in responding to these by doing and undertaking on its own—not being mandated by government—an IPRM process which looks at what the resources are being used for and prioritizing them. The goal wasn't necessarily to cut certain things or necessarily to cut at all. But I think it really dovetails very nicely with the strategic mandate agreements, and seeing what we do well and what we don't do as well, what we should be doing and maybe what we shouldn't be doing, and prioritizing those things and making sure that we're using our resources appropriately.

Mr. Jim McDonell: I know that enrolment in our elementary and secondary schools has been dropping, and of course that is hitting the universities. There's that will or that desire that universities continue growing with a shrinking population of students. May we just get your view on that and what you think the future direction should be? Is it time to shrink or is it time to—obviously, the pool of students is getting smaller. The universities aren't getting smaller. Everybody is trying to grow. It makes for a tough scenario.

Ms. Jillian Swartz: I think it's a very good question. I think that you need to consider a number of factors. One is the demographics, and as I mentioned right in my opening remarks, the demographics are not in favour of universities. But as it relates to other populations that can be served, I think there are a lot of other populations as well that can be served. There are international students who think it's a very good thing for their CV to come to Canada and to be educated in our excellent system. I also think that there are other areas where the universities can use the strengths and resources that they have, whether

it's professional development activities or other things. So those are areas where we can grow.

Frankly, I also think that education is becoming more and more important. I don't think that anybody here would disagree with that. When our grandparents or great-grandparents maybe went to grade 6, the next generation maybe to grade 8, the next one to high school—they all lived quite well. Now, some would argue that even a bachelor's is not enough and you need something post-bachelor. I think that the need for education is growing, even though our demographics are shrinking.

Mr. Jim McDonell: You also talked about a number of committees that you've worked on with the university. What would you think maybe your greatest contribution was through those committees?

Ms. Jillian Swartz: I think that my greatest contribution probably was on the real estate working group. This was a five-team group. It was created by the board of governors to look at how Wilfrid Laurier owns and manages its real estate. I was the chair of that committee, I selected the members of the committee and I was the ultimate author responsible for the report that was submitted to the board and was ultimately approved.

Laurier has always had all of its real estate in its own umbrella. What that means is that not only do we have the assets on our balance sheet, but we also have the liabilities that go along with those assets. Some of those assets are actually income-earning assets, not because they're businesses—because, of course, that's not permitted—but they would be ancillary services like the residences.

So you buy a residence—it's very important to students, very important to their parents that they have good places to stay, they're safe and they have all the life safety and all of the benefits. Those residences sit on the university's balance sheet, but so does the significant debt that comes with acquiring such a big portfolio. One of the considerations was, does it make sense to have those inside the university or in something else that the university still controls, of course, but could move that debt off the balance sheet and make things look more appealing both to the government, because the government did look at that when we submitted our capital expansion plan for Milton, and also, frankly, to rating agencies like DBRS?

That was my role at the committee. We had five long meetings. The committee was a combination of myself, two members from the finance community and two members from the real estate community. So we had a really nice, well-rounded committee. It was also diverse. There were two women—I was really pretty proud of that—out of a five-person committee. We created quite a detailed report with the help of lots of outside experts, as you can appreciate. We submitted it to the board, and it was accepted. That was a pretty significant contribution, I think.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: I would like to get back to the international students you had mentioned previously. I

am going to speak to the experience that I have in my riding with the public school board. The Avon Maitland District School Board—and I'm sure that this goes on throughout Ontario; I'm just going to speak to my riding—encourages international students to come to the high schools. It does a couple of things: It allows these students to experience our education system, but it also brings in much-needed money to the public school board. This is one of the ways they've been trying to get around some of the fiscal restraints that they've been encouraging.

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I wonder if it's time, or maybe this is happening right now, that universities—and as we get down the line, universities, colleges, whatever, down to the public school system—should be working together on something like that to encourage those students not only to stay here for their education in the public school system, but maybe encourage them, with programs or whatever you use, to continue on in the universities and stay in this country, because I don't think all of them do. They might go back to their own country and go to university in some other country or their own country. I wonder if that's something that could be looked at as far as the universities go?

Ms. Jillian Swartz: I think that's a very interesting idea. Certainly Laurier is very well connected with the communities. For example, through the faculty of education program, they put their students in the schools right away. It's a very different sort of approach than some of the other faculties of education where you have to be in the classroom for a certain period of time. It's called immersive education. There's jargon for that as there's jargon for lots of things. I think that's a good way for our students to get right into the school system, and maybe a bit of a read to figure out how to make more of a partnership that way. But I think if you talk to university administration, and I won't pretend to be an expert on that, there is a lot of community engagement within their immediate community. I wouldn't be surprised if that kind of conversation isn't already happening.

I do know at Laurier, in particular, they're working with the public school board to try to figure out how to repurpose a school in their district to make sure that it's effectively used and doesn't just get taken over by developers who are going to make very large developments and change the look and feel of the community. Laurier wants to have an impact on the community around them, because it's very important. If you have a mixed community, that brings vibrancy for sure, but it also brings some other challenges, so I think community engagement at all levels is very important. It's something we could certainly consider.

Mr. Randy Pettapiece: Is it time yet?

The Chair (Mr. John Fraser): One minute.

Mr. Randy Pettapiece: Okay. Another reason that this program is so exciting: I come from a rural riding, and we have faced school closures, perhaps more so than the urban community has, although that's certainly happened there too. It does help fill the schools up. I think

this is a win-win situation. Instead of a certain segment, a university or college going in their own direction, they kind of mould together a little bit more. I understand what you say, that this may be happening right now.

To build the system, instead of going off in three or four different directions, it might be more of a benefit to Ontario, certainly, than what the alternative is.

Ms. Jillian Swartz: I think that makes a lot of sense. At the end of the day, it's all coming from one pool of funds, isn't it?

Mr. Randy Pettapiece: That's correct. Thank you, Chair.

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Wayne Gates: Good morning, Jillian. How are you?

Ms. Jillian Swartz: Very well. Thank you for having me.

Mr. Wayne Gates: My pleasure. A couple of things: One, my wife, Rita, is a graduate of Wilfrid Laurier, and she's just retired as a principal. She obviously enjoyed her time there, and I can tell you that your communication skills with my wife are extremely good. I see the letters come all the time. They're always asking for funds.

Ms. Jillian Swartz: That's good. We need funds.

Mr. Wayne Gates: I'm just putting that out there. Not that I read my wife's mail that often, but that's certainly something that I notice. But the thing that is interesting—my daughter this year is 18, and she's obviously going to post-secondary education. She's going to Brock, another good school in our area. You talked about the pie getting smaller between 18 and 24, but I think some of the reasons may be different than what you've said this morning.

I think—I'd like you to talk about this—the cost of post-secondary education on the families is certainly having a negative impact on kids going to school. You said, like I agree, for a society to become competitive, particularly in Canada, they have to get a lot bigger degree than what I had to get when I was young. So I'd like to maybe have you say a few words around the cost of post-secondary education because I think that has to be attacked as well. I think there's a lot of kids out there who want to go to universities but their parents can't afford it.

Ms. Jillian Swartz: Well, cost is definitely a factor. I can tell you that when I went to school, I came from a middle-class or lower-middle-class family, and I was relying on OSAP. It's very important to have those additional supports in place, and without those supports I certainly wouldn't have been able to go because my family couldn't have afforded to send me. So it's very important to have those supports in place.

I think the government policy frames the tuition. There are levers on the universities, as you know. There are a number of levers that government uses: There's the tuition framework, of course, and the funding formula, and so tuition can only be increased by so much. My understanding is right now we're at 3%. Some would say

that's too high because it's higher than inflation; some would say costs are increasing faster than that so it's not enough. I think it's probably up for debate. But I think in addition to the tuition, we need to focus on scholarships and bursaries, and make sure there are enough funds there so that students who have the desire, the motivation and the smarts to go, get to go, because I think it would be an absolute shame for people not to be able to go.

I currently mentor a university student who's at the University of Toronto. I met her through the LAWS program at Blakes when she was in grade 10, so I've known her for five years. She certainly couldn't afford to go on her own. Her family has not got the means to do it, and she's relying on OSAP and bursaries to make sure that's she's able to go.

So I think you have to look at the whole package. You have to look at tuition, you have to look at the OSAP regime, you have to look at bursaries, and you have to look at scholarships. The universities need to continue reaching out to their donors and their alumni to make sure that they have enough funds so that qualified students can go.

Mr. Wayne Gates: I guess where I'm going is that—and I'm sure you've seen it at the school, where young kids would come in, they get to university, but at the end of their four or five years, whatever they do, they basically have a mortgage that they have to try to pay off and try to go to work, either start a family or try to get a home. I think if we're going to do anything, we have to get some answers to make sure that nobody gets left behind on that.

The other thing is, I've noticed that you're a lawyer.

Ms. Jillian Swartz: I am.

Mr. Wayne Gates: So you've had a very successful short career. Have you done any bargaining? Because I saw that you talked about the funding formula, and they have to maintain zero wage improvements—it takes up 80% of your budget. So maybe elaborate just a little bit on when the contracts are up, and have you ever been involved with the bargaining process, either through being on the board already or as a lawyer?

Ms. Jillian Swartz: No, I haven't been involved in union bargaining at all. I've been on the executive committee in the board where we have to approve recommendations that come to us, but I haven't been involved in the bargaining process myself.

Mr. Wayne Gates: So you've never been in that room to the side, waiting to hear what they're doing at the table?

Ms. Jillian Swartz: No, I haven't.

Mr. Wayne Gates: Okay. Just a couple of other questions: You've done this for how long now?

Ms. Jillian Swartz: At Laurier or as a lawyer?

Mr. Wayne Gates: No, at Laurier.

Ms. Jillian Swartz: I just completed my first term, which was three years.

Mr. Wayne Gates: Okay, so my next question would be why would you like to continue? I think that's—

Ms. Jillian Swartz: How long do we have?

Mr. Wayne Gates: Well, that's why I ask the question, because a lot of times people get on boards and they do it for different reasons, but after the three years they're running for the door: an "I've done my obligation" type of thing. That's why I asked. It would be interesting to hear why you want to stay on it, because I think the reasons are probably quite good.

Ms. Jillian Swartz: Oh, thank you. Well, there are a lot of reasons. One is I haven't quite finished what I started. I have some future plans, subject to cabinet approval, about what I'd like to do and how I'd like to contribute. I think giving back is incredibly important, and I'm very involved in volunteerism in different ways, but this is an institution that has a piece of my heart, and always has. This is a great place for me to exercise that responsibility, obligation, passion—all of those things.

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It's really fun to be involved in a university. When you go on campus, you can just feel the energy. You just stand there and it gives you a bit of shivers, frankly. Kids have their whole life in front of them, and they're just so optimistic, thinking about what their future holds. It keeps you young. I'm not that old, but it does kind of bring you back to the place where you were.

It's very important. I'm not sure that there are things that are much more important than education, whether you talk about a teacher in the classroom or you're talking about a professor. These are people who create legacies and leave things behind. I've been very fortunate in my career. I've made a reasonable amount of money, so for me writing a cheque is pretty easy. Giving time is harder. You have to give till it hurts. When you give time, that's when you're really giving something that's harder to give, frankly, than to write a cheque.

Mr. Wayne Gates: Have I got time for—

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: A couple of things on volunteering: We actually need young people like yourself, and even younger, to continue to volunteer. A lot of our service clubs, whether it be in Legions, whether it be in the Knights of Columbus—it doesn't matter what they are—they're hurting for volunteers. So to your point—actually when you said that, I wrote down, "Keeps you young," being around the kids, right?

Ms. Jillian Swartz: It does.

Mr. Wayne Gates: So it's kind of interesting.

The last point I'd like to make, because I think it's important for all of us to hear it and certainly maybe hear from your point: We have a problem with school closures—to my colleague's point—in rural Ontario. I believe that our schools in rural Ontario are very important; they're the heart of the community. If you continue to close schools and have to bus young kids for miles to go to school, I don't think that's helping their education at all. I don't think it's the way we should go as a province. I'd just like to hear your comment on that. You can decide not to answer it. I think rural schools are very important to the overall makeup of Ontario.

Ms. Jillian Swartz: I'll take that one on. I haven't given it a tremendous amount of thought, except as a parent. I can tell you: Schools are the heart of the community. Unfortunately, we do have negative demographics, we have real funding issues and real monetary issues, and we have to be responsible about it. But nobody wants the school in their neighbourhood to close. It's okay for somebody else's school to close, but no one wants a school in their neighbourhood to close.

In Toronto—and I've lived here almost my entire life, except when I went off to university for four years—we have schools closing too. What we have are some schools that are really overburdened. They have portables. They have requirements to bus outside the jurisdiction. We're building condos where the kids who live in those condos—because lots of kids live in condos now—can't even go to school in their neighbourhood. There are a lot of issues around urban planning and so forth. I'm not an expert in that, but it is a very important issue.

Mr. Wayne Gates: Thank you.

The Chair (Mr. John Fraser): Thank you very much.

Mr. Ballard, you have about four minutes.

Mr. Chris Ballard: About four minutes. Thank you very much for being here and for giving your time back to the community. I think, as the other questioners have said, volunteerism really is at the heart of what makes our communities and our province so good.

I will declare a bias up front. My middle daughter is a graduate of Laurier and had a very good experience during her time there.

You had talked about one of the big projects you worked on in terms of real estate. I'm just interested, if you can blue-sky a little bit: What are some of the tasks that are not yet complete? Where do you see, for example, Laurier going over the next five or 10 years in terms of an academic focus? Will it be more on—I know you've grown the BCom.—will it be more on that? Will it be a balance with liberal arts? I'm just interested in your thoughts.

Ms. Jillian Swartz: Laurier is definitely a liberal arts school, and its strength is there. It also has some other programs that are outside the liberal arts that are fantastic. The BBA is one of them—I'm a graduate from there—and it has significantly grown. In fact, if you go up University Avenue, and if you go there next week—actually, a week today—there is a large event and there's a naming opportunity. As you may know—I'm hoping members of the government and the media are coming—the Global Innovation Exchange, which is our brand new building, is going to be named. It's going to be named after a very significant donor and a great member of the community, and I'll be there. That's a very exciting thing. So definitely the BBA program is growing.

Laurier has recently undertaken—and I mentioned this earlier in response to a question—an IPRM, an integrated planning and resource management exercise, which is a priority-setting. The idea behind that is, we understand there are fixed resources, and we want to use those

resources in line with where we think we are excellent and we can differentiate ourselves from other universities, because it doesn't make sense for every university to just be the same. I think universities can be different but equal. It's not all about the very, very large, research-intensive universities. They have a role to play. I went to one. They're incredibly important. But the smaller universities also have a big role to play, and I'm convinced that I would not be the person I am today without my attendance at Laurier. I had professors who were incredibly interested in me. I keep in touch still, after all these years, with two of them. They have mentored me and guided me and supported me when things were tough. It's just a terrific school.

Mr. Chris Ballard: Very good. I know that one of the benefits of Laurier, of course, is the size. It's one of the main reasons that my daughter said, "I want to go to this university." You can walk across the campus in 10 minutes. I know it has grown since she left, but certainly size is big, and that size allows students to get to know their professors, unlike in so many other larger institutions, which, for her, like for you, has been instrumental in guiding her career and getting her launched. So thank you for that.

Are we just about out of time, Mr. Chair?

The Chair (Mr. John Fraser): You have about a minute.

Mr. Chris Ballard: A minute. Okay.

In under a minute, what would be sort of the primary task you see, going forward, in your new role? What's the number one job, in your mind?

Ms. Jillian Swartz: At a big-picture level or on a more detailed level?

Mr. Chris Ballard: A big-picture level. We only have about 45 seconds.

Ms. Jillian Swartz: I think, from a big-picture perspective, it's financial responsibility. We have challenging times and we have to make sure, as a board, that we're using our resources appropriately.

One of the former chairs of the board had an excellent expression, which I told him I would steal, and he has given me an implied copyright licence to do so: "Noses in and fingers out." So we have to focus on the big issues; we can't focus on every little thing. We can't be questioning every implementation that administration has to do and what's happening in the classrooms. Our goal is to focus on what's happening in the big picture, guide the strategic vision and make sure we're meeting our financial commitments. That's not so easy at universities anymore, with pension deficits, with deferred maintenance, with zero-based budgeting. There's a lot to do.

Mr. Chris Ballard: Very good. Thank you very much, and thanks again for your time on that board. That's so important.

Ms. Jillian Swartz: It has been my absolute pleasure. As they say, and it sounds cliché, I've certainly gotten much more out of it than I've given. It's been a great experience.

The Chair (Mr. John Fraser): Thank you very much, Ms. Swartz. That concludes our time for the interview. Thank you for coming and appearing before us this morning.

Ms. Jillian Swartz: Thank you, Mr. Chair and the committee.

MR. LEIGH LAMPERT

Review of intended appointment, selected by official opposition party: Leigh Lampert, intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

The Chair (Mr. John Fraser): Our next intended appointment is Leigh Lampert, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal. Mr. Lampert, can you come forward?

Mr. Leigh Lampert: Good morning.

The Chair (Mr. John Fraser): Thank you very much for joining us this morning. You'll have time to make a brief opening statement. You'll then be asked questions by members of all parties, about 10 minutes for each party. Any time that you use for your opening statement will be deducted from the government's time, and the questioning will begin with the third party.

Mr. Lampert, you may begin.

M. Leigh Lampert: Merci, monsieur le Président et les membres du comité. Bonjour. Je suis très heureux d'être ici ce matin et honoré de rencontrer les membres du comité.

Je suis ici aujourd'hui pour offrir mes services comme vice-président à temps partiel du Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail.

Thank you, Mr. Chair and members of the committee, and good morning. I'm pleased to be here this morning and honoured to meet the members of the committee. I'm here to offer to serve as a part-time vice-chair of the WSIAT and to briefly outline my education and experience, and to answer any questions that you might have.

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I'm a lawyer by training and a member of the Law Society of Upper Canada. In addition to my law degree, I hold an undergraduate degree in social sciences from the University of Ottawa and a master of business administration from Dalhousie University. I recently, in 2013, completed a certificate in adjudication for administrative agencies, boards and tribunals through Osgoode Hall Law School at York University.

I work as in-house legal counsel to a large Canadian retail corporation, and I also serve as an adjunct professor of business law at Ryerson University and an adjunct professor of international business and human resources at York University. I've also practised law in the private sector, and after graduating law school I worked in the federal government for a few years. I've previously been a member of both the Canadian Bar Association and the Ontario Bar Association, and the American Immigration Lawyers Association.

I'm very committed to public service. In terms of my volunteer, community and other work, I'm a member of Ryerson University's law practice program corporate counsel advisory board and a member of the discipline committee of the Association of Professional Engineers Ontario. I've also served as a member of the Toronto Licensing Tribunal, and from 2011-13, after being appointed by Toronto city council, I served as a member of the Yonge-Dundas Square board of management. I have also served on the boards of directors of a summer camp and two schools that our children attend or have attended. I'm married, and we have three young sons.

I believe that through my training as a lawyer and my work experience, and in particular my work as a lawyer and a member of both the Toronto Licensing Tribunal and the Professional Engineers Ontario discipline committee, I have the requisite experience to serve as a vice-chair of the WSIAT.

As you're aware, in order to come before this committee, I first had to complete a comprehensive written test and go through an in-person interview, and it's only after apparently doing okay on those that I'm here today.

I believe that tribunals such as WSIAT require decision-makers who are independent, fair, transparent and who understand the sanctity of the tribunals process and the principles of fundamental justice. I would respectfully submit that I am very well suited for this appointment.

It would be a pleasure to answer any questions that you might have or to expand upon anything I've said. I'd like to thank you in advance for considering this appointment.

Je serais heureux de répondre à vos questions, ainsi que de vous fournir plus de détails. Je vous remercie d'avance pour votre examen de cette nomination proposée.

The Chair (Mr. John Fraser): Thank you very much, Mr. Lampert. Mr. Gates.

Mr. Wayne Gates: Good morning. How are you?

Mr. Leigh Lampert: Good morning. Well, thank you.

Mr. Wayne Gates: Thanks for coming.

Mr. Leigh Lampert: Thanks for having me.

Mr. Wayne Gates: I understand you're a lawyer.

Mr. Leigh Lampert: Yes.

Mr. Wayne Gates: How familiar are you with compensation, workplace injuries and that kind of stuff in your field, as a lawyer?

Mr. Leigh Lampert: I haven't worked in the field of workers' compensation. There's no doubt it would be a steep learning curve in terms of the substance of the law. Having said that, the WSIAT has a very comprehensive and robust three-phase training program for new members, so I'm committed to overcoming that steep learning curve very quickly. I've also, I would suggest, through my past experience, overcome steep learning curves very quickly.

Out of law school, I went to work in Ottawa for the defence minister knowing nothing about the Canadian Forces, and I was a quick study. I then worked for the

immigration minister knowing nothing about immigration law, and I learned fairly quickly. I then worked for the justice minister, and although I had a legal background, I dealt with issues that were totally foreign to me. I practised in a small firm in Toronto for a couple of years knowing initially very little about immigration law, and I practised in the field of immigration law. Then I joined my current employer, which, as I mentioned, is a large Canadian retail corporation where I practise corporate commercial law, and I knew very little about that when I got into it. So with each of these steps, I've overcome, I would say, a steep learning curve fairly quickly. Again, through the training program here and through self-learning, I'm committed to overcoming that learning curve quickly.

Mr. Wayne Gates: Okay, I'll follow up on that. What do you know about workmen's compensation?

Mr. Leigh Lampert: That's a pretty broad question.

Mr. Wayne Gates: That's why I've got 10 minutes.

Mr. Leigh Lampert: In preparation for the exam I had to write, I reviewed the legislation. I focused specifically on the mandate of WSIAT, because that's the body, of course, to which I've applied for the appointment. It is, as I'm sure members are aware, the appeal venue for matters that come before the WSIB. I'm aware of some of the issues that are discussed, quite often publicly, with respect to the system. Funding, of course, is always an issue. At WSIAT, I know, the chair has spoken publicly—and I know previous intended appointees to WSIAT have come before this committee and have been asked about things such as the backlog and the number of cases at WSIAT. So I'm aware of these things. Obviously, funding is beyond what anybody on WSIAT would deal with; that's for the policy-makers in government.

I'm not sure if that answers your question.

Mr. Wayne Gates: Well, I'm glad you touched on the 9,000 active cases in backlog: a 19% increase since 2013. I don't know about my colleagues on either side of the House—quite frankly, it goes across all party lines. People go to work to earn a living and come home and see their family, and when you do get hurt, there should be some form of quick policy that gets results.

What's happening—and I'm going to give you an example: I had a young man come to my office with his wife just last week, in tears. He works in the hotel industry, non-union. He blew his shoulder out. It happened in May. They received no money until August 16. Anybody who knows people who work in the hotel industry knows they do not make a lot of money so they struggle. He was having surgery on his shoulder. The claim was denied until the day he got the surgery. To me, that is a real problem. He's now getting some funding that was going to start on August 16, I think it was. For two months, he got no money for him and his family and whatever. The second part of that is, guess what they have to do now. They've got to go through the system and end up in the appeal process, when you have a backlog that goes on for sometimes years in the appeal process.

So there is a real problem, and with no disrespect, I don't think we need people who want to learn how to train. We need to put experts in so we can get rid of the backlog, so we can make sure that families aren't being hurt. I can appreciate the fact that you're a very smart man, obviously. You're a lawyer. You've done a lot of great things in your young life. You've got a nice family. But at the end of the day, the most important thing is that when people go to work, they want to come home safe to their family. Unfortunately, in the province of Ontario, people get hurt on the job, and they shouldn't have to fight to get compensation; they shouldn't have to wait for an appeal process that is broken. That's not completely your fault, but I'm just saying that when we're looking at appointing people, I think it would make a lot more sense, quite frankly, to appoint people who understand it, who have lived it over a number of years, so they don't have to get on-the-job training; they can take it into this appointment and do some stuff.

I know the Conservatives will probably go in a different direction than me—but we have to fix the process. We have to make sure that the appeals are gone. You can blame it on funding, you can blame it on whatever you want, but you're talking about real lives.

So I appreciate the fact that you want to do it, I appreciate the fact that you're extremely smart and you can pick up stuff, but WSIB is not where I think you should be getting on-the-job training.

The Chair (Mr. John Fraser): Ms. Malhi?

Ms. Harinder Malhi: Can you talk a little bit more about the interview process involved for this board?

Mr. Leigh Lampert: Sure. First, there was the application process, which was done through the Public Appointments Secretariat. I can't remember the timing exactly, in terms of how long it took. I know there's a screening process that we're not privy to. Then there was the written test. Again, it was a while ago, so I can't remember what the nature of it was. I know we had to deal with facts and errors etc. Then, probably a few months later, there was an in-person interview with the chair, where we talked about some of the issues facing WSIAT and where he presumably assessed what he thought were the skills required of a vice-chair. That was a few months back, and then we're here today.

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Ms. Harinder Malhi: What kind of issues did you discuss with the chair?

Mr. Leigh Lampert: He has been very public in talking about, as Mr. Gates has mentioned, the backlog—he used a Stanley Cup analogy, and we're familiar with that, of course—of roughly 9,000 cases in a system designed for more than half that. We talked about that a bit. Really, what I said to him and I am happy to say publicly is that if appointed, I'm committed to doing my part to eradicate the backlog.

Of course, as one person, I can't tackle 9,000 of them, but through my experience, for example, with the Toronto Licensing Tribunal, where we deal with Toronto city licence-holders who own restaurants, who drive

taxis, who drive tow trucks—we have hearings. I've always pushed my panel colleagues, whether I'm chairing that panel or whether I'm a side-member on the panel, to render quick decisions, verbally on the day of and then followed by written decisions. I think that that commitment to quick decisions, including the written reasons, is important. Again, that backlog was one of the main topics we discussed that day.

Ms. Harinder Malhi: Thank you very much. I know it has been a very lengthy process.

Mr. Leigh Lampert: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Malhi.

Mr. McDonell?

Mr. Jim McDonell: Sure. Your background seems to be in immigration and business law, including working for the federal Liberal ministers. Could you expand on your experience with adjudication in the tribunal environment and what it has to do with the board, and just where your experience comes from?

Mr. Leigh Lampert: Sure. Probably the example I'll expand upon is my time with the Toronto Licensing Tribunal. As mentioned, it's an adjudicative tribunal that handles applications from anybody holding city licences. As mentioned, it includes taxi drivers, probably the most common licensees or applicants we would see before us. These are people who, typically, had applied for a licence or a renewal of their licence and were denied by the city officials. Maybe it's because they had a certain criminality in their past, or other issues related to their conduct. The licensing tribunal is a body that adjudicates those requests for licences.

It's in a quasi-judicial setting. You would have, typically, a panel of three of us. We would hear from the licensee or the applicant, and he or she would have the right to legal counsel. The city of Toronto would be represented by Municipal Licensing and Standards, which would be represented by legal counsel.

In a room much like this one, relatively informal compared to a courtroom, we would hear both sides. There would be evidence. There could be experts' reports from time to time, including, sometimes, medical reports.

We would hear the evidence. We would have to weigh the evidence. We would have to then confer as a panel in private, discuss the case before us, interpret the relevant legislation, apply it to the facts and then render our decision. As I mentioned, we would typically render it verbally that day. Then, in keeping with generally accepted legal principles, we would issue a written decision at some time to follow. In doing so, we're always conscious of a few things; number one, that parties want to be heard in court; they want to have their right to a day in court. We want to make sure that our decisions are written not in complex legalese but in plain, simple language, while at the same time ensuring they're legally sound so that if there's an appeal, the court would look at it and understand, hopefully, the reasons for the decision and make its decision.

In many ways, it's analogous to WSIAT. Again, the substance to Mr. Gates's point would be different—different legislation, obviously, and a different level of government—but the adjudicative process, I think, is sort of the same. We have different parties, legal counsel, expert reports, evidence, and, ultimately, written decisions that are subject to review by the courts.

Mr. Jim McDonell: I guess we see your experience, starting in 2013, when you received your certificate, and your experience doesn't seem to be in the same field as the workplace safety group is, and yet you apply for the group and you're assigned vice-chair. You would almost think you might sit on the board a while. It's a fairly significant position. I'm just wondering: Why the jump? Not being on the board, how can you feel that you can jump into the vice-chair's job?

Mr. Leigh Lampert: You're right that the certificate that you referred to is something I did in conjunction with my appointment to the Toronto Licensing Tribunal. Having said that, I graduated from law school in 2002 and was called to the bar, after a few years in politics, in 2005, so I've been practising law for the better part of 10 years. Many of the skills that I use as a lawyer are those that would apply here. I've appeared in courts before. Certainly, reviewing and interpreting legislation is something I've done for the better part of 10 years. Dealing with evidentiary issues, reading, and then, more recently in the context of my TLT role, writing decisions that are subject to court review or that come before the courts in the case of decisions I've read—those are some of the things. Making difficult decisions: With WSIAT, you're dealing with people's lives. Mr. Gates articulated quite well, in the case of one of his constituents, what this individual is facing, and that's all too common in the worker safety system. Dealing with complex issues, complex information—

Mr. Jim McDonell: One comment: With the backlog increasing almost 20% over the last few years, generally you would think that an avenue might be to take somebody who has been on the board and has seen what's going on as vice-chair. It just kind of surprised me with the appointment.

Anyway, I know Mr. Pettapiece has some questions.

The Chair (Mr. John Fraser): Mr. Pettapiece: about five minutes.

Mr. Randy Pettapiece: Five minutes? Oh. This was going to be a short question, but anyway.

I'd like to go back to a topic that was brought up by my colleague Mr. Gates here. I know a fellow who's a truck driver. He fell off his trailer and broke two ribs, applied for workers' compensation and was denied the claim. The reasons for denying the claim were not his fault; at least, I feel they weren't his fault. One of the reasons was that the company didn't offer him another job to do other than truck driving, like sweeping floors or something like that. They already had floor sweepers, so do you put that guy out of work to let this guy have a job? The other issue was, when the doctor filled out the forms, he said that this guy could work. He should have

said on it that he shouldn't be allowed to drive or he shouldn't be working as a truck driver. I don't know whether you've had broken ribs in your life, but it's very painful. If I knew somebody was driving down the road with broken ribs, I don't think I'd want them to be driving one of these big trucks, because you are bouncing around. The trucks have gotten better over the years—but it is a painful, painful experience.

The employee was asked these two questions: "Did your employer offer you another job?" Of course, the answer was no. Then they said, "The doctor said that you could work." "Well, I can't work as a truck driver." "The doctor didn't put that down." Then all of a sudden, the person on the other end of the line said, "Your claim is denied. Have a good day." End of story.

You've got down here about being an adjudicator. You can see through problems or help people work through problems. I think one of the basic problems with the worker safety business is that they have such a goal of trying to get their financial house in order that the ordinary person who doesn't know how to work the system is denied these claims. I don't think that's fair. I think the person on the other end of the phone who was working for WSIAT should have helped this person work through the problem instead of being on the other end of the phone with the determination to deny the claim. That's the way it was.

The person had no alternative but to quit his job because he couldn't drive the truck anymore. There were no floor-sweeping jobs available. He had to quit his job and find something else to do.

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This is an issue with some government agencies, and I think this agency is one of them, that should work with people, not against them. I think that's what has happened in this case. Your thoughts?

Mr. Leigh Lampert: First of all, to one of your earlier points, thankfully, no, I've never had broken ribs, but I can't imagine it's pleasant. Working with broken ribs can't be pleasant.

Coming back to the other point you've raised, obviously I'm unfamiliar with that specific case other than as you've set out.

On the general topic, which are my thoughts on the people at WSIB or WSIAT working with people as opposed to sort of being obstructionist, we see in government and we see in the private sector from time to time companies and individuals who work in government who could be a little more co-operative. People have different personalities. Your general comment, which is that there should be more co-operation and people on the end of the phone—I guess what you're saying is they should be more helpful. I would agree with that.

Mr. Randy Pettapiece: My point is this—and I'm going to come to the defence of the employee of the government here. I think that person was mandated by their employer to do this: "Deny everything you can." That's probably not what was said to them, but to me that seems to be what's going on here. So I'm going to defend the employee at the other end of the phone on that.

I think as someone who is going to help manage the system, you have to work with people, not against them all the time. It's just an adversarial thing when you deal with this organization. I've heard that from different people. They're afraid to call in a lot of the time and ask a question, in case they ask the wrong question and it costs them a few bucks because of that question. That's one of the things I see with this organization.

The Chair (Mr. John Fraser): Mr. Lampert, that's all the time we have for this morning. Thank you very much for being here today. We'll consider the concurrences at the end of the day.

Mr. Leigh Lampert: Thank you very much. Merci.

MR. UPKAR ARORA

Review of intended appointment, selected by official opposition and third party: Upkar Arora, intended appointee as member, Metrolinx.

The Chair (Mr. John Fraser): Our next intended appointment is Upkar Arora, nominated as a member of Metrolinx.

Mr. Arora, can you please come forward? Thank you very much for being here today. You'll have the opportunity to make a brief opening statement. Any time that you use will be taken away from the government's time for questioning. You'll be questioned by members of all parties. The questioning will begin with the government. You may begin.

Mr. Upkar Arora: Good morning. Thank you for the opportunity to meet with you this morning to review my candidacy for the board of Metrolinx. I'm going to take a few minutes to provide some colour from my CV, particularly where it might have relevance for your consideration regarding my proposed appointment.

I believe I bring to the Metrolinx board a unique confluence of skills, abilities and experiences that may be helpful as the organization continues to deliver on its bold, ambitious mandate of planning, building and operating an integrated transportation network that will reach nine million people by 2031.

By way of background, I'm a CA, having qualified with KPMG. After that, I spent about 15 years working in industry with organizations such as Nortel Networks; Olympia and York Developments; Reichmann International; TrizecHahn, which is an organization run by Peter Munk; and Onex Corp. I highlight these specific experiences because I've been fortunate to work with some of Canada's leading entrepreneurs and learn from them. This has included working, travelling and, in some cases, living abroad, which has reinforced my view that transportation is absolutely critical for cities to be world-class.

In the last 15 years, primarily through Illumina Partners, a boutique advisory firm I co-founded, we have specialized in providing operational, financial and strategic expertise, as a senior executive, adviser and principal, to a wide range of organizations in a wide variety of industries.

My community service and not-for-profit experience includes chair of the Canadian Arts Summit; a board director at the Institute for Canadian Citizenship; the University of Waterloo's School of Accounting and Finance, where I am both on the advisory council and teach a course; and the last seven years as a director on the board of trustees of the McMichael Canadian Art Collection, the past five as chair.

I am not a subject matter expert on transportation nor do I claim to be one. However, I do believe that I can add value by bringing a different perspective to provide strategic oversight or identify risks or opportunities that maybe others with a transportation background have overlooked.

Let me highlight three areas where I might be of value to Metrolinx. The first is enhanced quality of decision-making through financial and analytical discipline. There are significant similarities between the projects that Metrolinx engages in and the multi-billion dollar projects that I have been involved in, such as Canary Wharf in London, Torre Mayor in Mexico City and WestEnd City Center in Budapest, Hungary, where I worked for 11 years with a real estate development firm. Specifically, both of those situations involve: long-term time horizons; large capital outlays; multiple stakeholders and the need to build strong partnerships; the need for significant financing and innovative financing structures; specialized design, planning and development expertise; a requirement to deliver on time and on budget; a strong management team capable of great execution as well as an understanding of risk, risk mitigation and management strategies; and the fact that we're dealing with imperfect information and constantly changing variables.

Given the size of the expenditure profile over the next decade at Metrolinx, I believe that my finance and financial expertise and discipline can assist the organization to ensure that decision frameworks are robust; that methodologies are sound; that risks are identified, mitigated or eliminated; and that the value that the province of Ontario receives is consistent with expectations.

The second is my governance and board experience. When I became chair of the McMichael at the province's request in 2010, I would characterize our governance practices as adequate at best, and the level of engagement as low. In order to change that, I went back and educated myself about best practices by completing my Independent Corporate Director Designation at Rotman, and I evaluated several other boards and organizations to ensure that we were adopting best practices, through which we revamped all of our board and governance practices to a level that is a model for good governance, even for organizations a multiple of our size.

With this experience, I believe that I can be helpful at Metrolinx in maintaining the high level of engagement, accountability, transparency and healthy discourse that I believe already exists between the board and management to ensure optimal performance and achievement of the organization's mandate.

And the third: character and commitment. The things that I have been most proud of during my career have

been a result of working with and through other people and building confidence, trust and mutual respect, as well as demonstrating my genuine commitment to a shared goal. I believe that those same qualities would allow me to be effective in a board role at Metrolinx, and I'm committed to devoting the time necessary to do so.

Thank you, Mr. Chair. I will turn it over to you for questions.

The Chair (Mr. John Fraser): Thank you very much, Mr. Arora. Madame Lalonde, you have about five minutes.

Mrs. Marie-France Lalonde: Thank you very much for being here. I must say, quite impressive.

I have a very funny question as a start: Do you take public transit yourself?

Mr. Upkar Arora: I do. I live in Mississauga, in the Clarkson area. I've taken public transit when I lived in Bramalea and worked at Nortel. For the better part of the last 15 years, I've been taking public transit, so I experience the GO Train service every single day.

Mrs. Marie-France Lalonde: So you're an experienced person.

Mr. Upkar Arora: I am.

Mrs. Marie-France Lalonde: I know that you've highlighted three characteristics and some of the skills, but I would like to hear a little bit more when it comes to the financial aspect. I know you briefly touched on some of the projects you've worked on, but if you were to bring this financial expertise into the new role that you're seeking, can you tell me a little bit of where you see the link or the familiarity for yourself?

Mr. Upkar Arora: Sure. By way of background: After I left public practice, I worked at Nortel as a financial analyst. My career has really been driven by a solid grounding of financial experience and financing experience. When I worked for Paul Reichmann, I would consider ourselves to have been the most innovative financing firm in the world. The core of that was, because the development projects and the existing assets like First Canadian Place were long-term assets, always to ensure that we plan five, 10, 15, 20 years into the future. If you go back to Paul Reichmann's investment in Canary Wharf in 1988, today it has 150,000 people working there.

My core strength has always been about the numbers: the discipline behind the numbers, ensuring that we have got a robust methodology that tries to anticipate what could go wrong, dealing with that in a way, providing adequate cushion, and then presenting the story related to the numbers in a way that's meaningful, relevant and persuasive.

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Mrs. Marie-France Lalonde: I have to say, it was a very sad passing—to lose Mr. Reichmann. I had the pleasure of working in my previous life in the Central Park Lodges Retirement Residences, so I was sad to hear.

Mr. Upkar Arora: I certainly share your view. I considered him a mentor and a father figure, so I was deeply affected by his passing.

Mrs. Marie-France Lalonde: A visionary, I would say.

I know right now you hold two appointments. Would you be seeking renewal of the McMichael appointment, your board there?

Mr. Upkar Arora: My term comes up in March 2016. That will have completed eight years at the McMichael, six years as chair. I advised the ministry about two years ago that it was opportune for a new chair to take on the role. We embarked on a formal succession planning process with two members of our board: the head of our HR and another member of our board who's on the nominating governance. We've now completed the process for identifying a new chair. We still have to advise the ministry of our recommendation. Obviously it's up to them as to whether they accept, post or otherwise choose a different chair for the role, but I am not seeking extension or renewal of that appointment.

Mrs. Marie-France Lalonde: Thank you very much for your time here today.

The Chair (Mr. John Fraser): Mr. McDonell?

Mr. Jim McDonell: Thank you for coming before us today. Your experience seems to be in diverse companies, focused on efficiencies and regaining profitability. Metrolinx has often been seen in the media as—you know, tensions for expensive procurement and dubious sponsorships. What, in your experience, are the basic steps for tackling some of the inefficiencies with Metrolinx?

Mr. Upkar Arora: I think I would start with how the organization is about 3,000 people, and really, it is a team that has highly specialized and capable expertise—planning, design, build, construction expertise. They're dealing with, I believe, about nine different transit agencies and 30 municipalities. The scope of their projects are both large in terms of dollars and very long. Those types of projects always involve a degree of rigorous methodology and an analytical framework to try to anticipate what could go wrong, and also to try to assess the interdependencies between those various projects. I think the nature of the beast is, in and of itself, always going to be subject to criticism, because no one can predict the future, but we need to ensure that we manage the process of trying to incorporate variables that could be different from expectations.

I think it's a fundamental element of—analytical frameworks need to be robust. We need to do, as we continue to do, value-for-money audits. We need to have oversight and we need to have scrutiny. The board provides an important role to ensure that all relevant risk factors are considered and anticipated, and we can do our best to manage and mitigate those risks. So it is a combination of a strong management team, which I do believe they have; strong board oversight; strong external third-party validation, which is to engage in such as value-for-money audits; and again, looking for innovation and creativity to improve the efficiency and effectiveness of operations.

Mr. Jim McDonell: One example is the Presto card system that was integrated. I think by 2012, the projected

cost had tripled. I know in the city of Ottawa, there was some talk that they were strong-armed into accepting that system. They had huge issues: They didn't meet the dates and it was a lot more expensive than they had projected. When you look around the world, there are many different cities that are using these automated card systems and don't seem to have the problems. Does it not make sense, when you have a system that's working, that maybe you go and repurchase that versus trying from scratch? Is that an issue with Metrolinx?

It's something we saw again in eHealth. There are systems around the world that work. This government seems bent on redeveloping everything from scratch and they've been dismal failures. Any comments on that?

Mr. Upkar Arora: Great question. My understanding from the Presto project is that the organization did, in fact, look at various systems—travelled and looked at systems, including, for example, the Oyster system in London. That was actually supported and looked at by the TTC as well. Certainly with Andy Byford's background, he would have strong, relevant expertise to that end.

I know personally, I asked the same question, and I was advised that a lot of international systems were, in fact, examined. And then I asked the question personally to a friend of mine who lives in London when he visited a few weeks ago, and he actually remarked that the Oyster system, which is highly regarded, went through a tremendous amount of growing pains at its outset for a number of years, to the point where they had to make radical changes to that system with respect to implementation and methodology.

The answer to your question, in short, is: I believe that Metrolinx did in fact look at other systems to try to embody and embrace and to bring in without the need to re-create one. Those systems were not consistent with the requirements of the various communities. Fair integration is an absolute core objective of the Big Move, so it's certainly essential that municipalities and agencies get on board. I think they chose a route that was the best solution based on the knowledge at the time. Could there be improvements and could there be greater enhancements? Absolutely yes, but I think that's where we serve in terms of our capacity at the board.

Mr. Jim McDonell: I think I also get from your question, though, that these systems had gone through the growing pains, they had solved the issues and were working. Most of these cases were much bigger systems than we're dealing with in Toronto—bigger cities. Metrolinx took on the new project and went through their own growing pains. What other systems were available where those problems had been solved?

There is no question that when you start something from scratch, there are big problems. That's one of the advantages of buying an off-the-shelf software, in this case, or something that works. I guess that's really the question. We had options where large companies had solved the issues and the systems were working well, yet this government chose to start from scratch again and had

the same problems. In the case of Ottawa, they were trying to opt for another solution but it was kind of tied in with grant money, so they had no choice.

Gridlock is a major problem around the city. I had the bad luck of having to drive into Toronto a number of times this summer. Unless you're driving in the middle of the night, the roadways—it's a problem. What would be your three main solutions or ideas on where they might go to get rid of the gridlock?

Mr. Upkar Arora: Maybe I'll try to focus on those that probably affect Metrolinx more directly, because I'm sure the TTC is much more capable of answering your question about gridlock within the city itself. I would indicate to you that the regional express rail and the plans for that and the electrification, I think, are going to be very, very fundamental to improving the efficiency and operation of the integrated transportation network. I would tell you that, working collaboratively with the city of Toronto, the TTC specifically, in dealing with things like the Yonge subway and the relief line and the enhancements that the TTC is putting in place with respect to the control systems are going to be very helpful in relieving some of the congestion.

But I do believe, and I have seen it from past experience, that it does take time for the implications of changes to take hold with respect to changing behaviour of people who use transit. Therefore, to try to adopt short-term, interim band-aid solutions I don't believe is the right fix. I think it's to actually fix the system, the infrastructure, the payment integration and the network that we've created to deal with the solutions to provide the right long-term solution.

I look at UP Express and I say that we've been talking about that for 25 years and we can criticize that all we want about various things, but it's done, it's working, it's efficient, people are taking it and we've got a tremendous, unique asset there that will benefit Toronto as a city for decades to come.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you. You're well aware that the government plans to sell part of Hydro to pay for transit, which we certainly have issues with. Also, their pension plan system that they want to bring out, which we also have issues with, is going to be used for this type of thing.

Back in November 2013, the Premier was in my riding—and I come from a rural riding. The biggest town I represent has about 30,000 people. The rest are all pretty much rural, and it's up Stratford way. She was in the riding. Let me see: Her words were, "Two-way GO service is a priority, and expanding GO service is a priority," when she was asked the question by people in Stratford and in Perth-Wellington, because we are getting our train service cut off. Via Rail is being shut down and GO service is not coming our way. This was during the heat of battle in an election campaign, and she said this statement. We are currently busing in people to work in the riding from the cities, because people tend to live where transit is, especially those who want to live in

an urban setting. Now we have employers having to hire buses to bring people into the riding to work in their factories, and then they're gone.

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We have an issue in rural Ontario right now with being cut off from public transit. The only public transit we have in rural Ontario, if you think about it, is our roads. That's it. We have no bus service, trains or whatever else, because they're shutting these things down.

So I would ask the question: If you are appointed to this type of system, have you thought about rural Ontario? Have you thought about the issues that we're having in rural Ontario with being cut out of transit, and no plans to put enhanced transit in rural Ontario, even with the billions of dollars this government is throwing at it from the silly plans they've got?

The Chair (Mr. John Fraser): You have about 40 seconds, Mr. Arora.

Mr. Upkar Arora: Okay. I have thought about that. I have looked at the Big Move and the next-wave priorities. I do know that in 2016, as a result of the Metrolinx Act requiring a 10-year review of the transportation plan, many organizations, cities and communities will have the opportunity to provide input as to whether there should be a reallocation or a change in the priorities for the next 10 years. That might be a good venue to try to reinforce the importance of the rural transportation strategy in the competing priorities and objectives for the next decade.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. You have no time left. Sorry.

Mr. Gates.

Mr. Wayne Gates: Just when it was getting interesting.

The Chair (Mr. John Fraser): It's getting more interesting now.

Mr. Wayne Gates: I'm sure it is.

Thanks for coming. I'm going to go through a series of events that have been provided for me. If any of them aren't accurate, certainly you can jump in and say it.

It's my understanding that you are a court-appointed chief restructuring officer for iMarketing Solutions. Is that accurate?

Mr. Upkar Arora: That was accurate. That engagement, through Illumina Partners, the core firm, has now ended. That was a specific project or contractual relationship through Illumina Partners.

Mr. Wayne Gates: Okay. Do you still have a relationship with the company?

Mr. Upkar Arora: With the company? I do not.

Mr. Wayne Gates: Okay. Just for the record, iMarketing had a subsidiary called Responsive Marketing. In 2011, this was the main fundraiser and voter contact for the Conservative Party of Canada. It was linked to the robocalls scandal, which I'm sure everybody here is aware of, in which several voters were directed to the wrong polling stations during the last federal election.

I understand you were not at the company during the robocalls scandal. Is that accurate?

Mr. Upkar Arora: That's accurate.

Mr. Wayne Gates: Although, during the restructuring, you worked alongside Andrew Longhorn—

Mr. Upkar Arora: Langhorne.

Mr. Wayne Gates: —who was a senior executive at the firm in 2011 and is now the CEO. I believe—was it your job to oversee the company as it declared bankruptcy in 2013?

Mr. Upkar Arora: I was appointed, as you said, as a court-appointed officer, as the chief restructuring officer. I was brought in by the primary stakeholders, who were Argosy and Shotgun, to try to restructure the company. That's the normal course of what Illumina has done for the last 12 years in numerous other engagements, where we're called in by banks or other stakeholders to try to find a solution to the company's financial problems.

We did that. We facilitated a sale. The bankruptcy court approved that sale. That sale took place approximately 12 or 14 months ago.

My involvement with the robocalls—by the way, iMarketing and Responsive Marketing Group were cleared of any wrongdoing in all of the public filings. I had zero involvement in that. My responsibility was effectively as the person responsible for facilitating a sale of the company, which was completed.

Mr. Wayne Gates: Okay, thank you. This is interesting to me, in a way, and maybe to my colleagues. I notice that iMarketing, although it went bankrupt, is now known as IMKT Direct Solutions, and it was in the news last month, when the Ottawa Citizen reported that the company seems to be back to its old tricks with callers identifying themselves as from the Voter Outreach Centre, creating some confusion among voters about whether the calls come from Elections Canada or from the Conservative Party.

The point I'm trying to make is that while at iMarketing, you seem to have worked in an extremely partisan political environment at a company that served the needs of the Conservative Party of Canada. Are you affiliated with the Conservative Party of Canada?

Mr. Upkar Arora: Not in any way.

Mr. Wayne Gates: No party?

Mr. Upkar Arora: I'm not affiliated with the Conservative Party in any way, shape or form.

Mr. Wayne Gates: So by saying that, even though you worked for a company that was, or did some work for them, will you be able to keep your partisan interests, in your role with Metrolinx board as a member, away from it?

Mr. Upkar Arora: The short answer is absolutely. I am not politically active with any party, federally or provincially, and I don't believe that enters into the equation with reaching best decisions at a board level for what is good for the people of Ontario.

Mr. Wayne Gates: Okay. Now, I noticed that you talked a lot about discipline around financial and how you're going to finance. As my colleague said, we're selling off a public asset to pay for transit, which, obviously, our party as well as other parties think is the wrong thing to do, and probably 90% of Ontarians think

it's the wrong thing to do. But when you talked about financing it, you talked about finding alternative ways to finance the projects. My question to you is: Do you support P3 models?

Mr. Upkar Arora: I support alternative finance and procurement models, I do. By legislation, any projects over \$50 million have to be evaluated for whether that solution makes sense for the people of Ontario in terms of managing risk and cost.

Mr. Wayne Gates: The keywords there are “makes sense,” right?

Mr. Upkar Arora: That's correct.

Mr. Wayne Gates: We found out, in our last sitting in Parliament, that it costs Ontario taxpayers \$8 billion more to do P3 funding in the province of Ontario. So if it makes sense, do you think it makes sense to spend an extra \$8 billion on P3 projects rather than having them publicly funded and publicly delivered?

Mr. Upkar Arora: I'm not sure of the projects you're referring to but I don't believe they relate to Metrolinx, so I can't really comment on the specifics. What I can tell you is, based on what I've seen at Metrolinx, the process for AFP has resulted in bids coming in lower than expected, analysis and evaluation of risk being shifted to a private party, as well as a necessary requirement before proceeding for a third-party validation through a value-for-money audit. So I believe there are checks and balances to ensure that the right decision is made as to whether to go with an AFP model or a different model. There are different approaches being taken on different projects that do make sense or that in other cases do not make sense.

Mr. Wayne Gates: Okay. The other thing I want to ask you about, because it's—I actually believe that in Ontario, not necessarily across the country, the biggest question for us as elected reps, for my kids and for my grandkids—do you believe that we should be selling off Hydro to pay for transit in the province of Ontario?

Mr. Upkar Arora: I think I'll defer on that question. I don't think it relates directly to my appointment to the board of Metrolinx.

Mr. Wayne Gates: Well, it actually does, because the financing is going to come from the sale of Hydro.

Interjections.

The Chair (Mr. John Fraser): Order.

Interjection.

Mr. Wayne Gates: It absolutely is a political question, just to your point. I don't mind answering anybody. It is a political question, but at the end—I have time left, I have the chair—

The Chair (Mr. John Fraser): Yes, you have some time.

Mr. Wayne Gates: I understand that the Liberal Party would not like me asking these types of questions, and maybe you don't like asking these questions, but at the end of the day—

Interjections.

The Chair (Mr. John Fraser): Can I have order?

Mr. Gates, can you continue with your questioning, please?

Mr. Wayne Gates: Okay. I guess the thing that is concerning me—obviously, I’m against selling off Hydro, in case you guys are wondering. I don’t think it’s a good thing to do. I think there are other ways that we can certainly pay for transit. But it’s interesting when we look—and I actually—

Interjections.

Mr. Wayne Gates: Oh, I could tell you how.

I actually believe that, very similarly to somebody who was here before you, sir, we don’t seem to look to appoint people who have backgrounds in, for this particular thing, customer service, transportation planning. I think we have to really take a look at Metrolinx and how we go forward. The reason why I’m saying that is that you’ve mentioned Toronto a number of times around transit. My colleague from rural Ontario would like to have some of those investment dollars. Have you taken a look at transit outside Toronto, into rural Ontario, maybe down into Niagara?

I’m just asking, because he’s going to be on the board.

1030

Mr. Upkar Arora: I grew up in London, Ontario, which is in southwestern Ontario. I went to school at Waterloo. I go back to Waterloo to teach and for advisory council meetings. I’m very, very sensitive to transportation needs. I understand that the province has committed about \$15 billion of the \$31.5 billion to projects outside of the GTHA as part of its demonstrated commitment to improving transportation in other communities, including rural communities. So I think there is adequate focus being placed by the province on addressing those needs.

I will just focus on those areas where Metrolinx has, as part of its Big Move and next wave of priorities, important decisions to make with respect to the projects on its plate.

Mr. Wayne Gates: Okay, thanks.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Mr. Wayne Gates: My pleasure.

The Chair (Mr. John Fraser): Mr. Arora, thank you very much for being here today. You may step down. We’ll consider the concurrences at the end of the day.

Mr. Upkar Arora: Thank you.

MR. PETER THOMPSON

Review of intended appointment, selected by official opposition party: Peter Thompson, intended appointee as member, Ontario Energy Board.

The Chair (Mr. John Fraser): Our next intended appointee is Peter Thompson, nominated as member, Ontario Energy Board. Mr. Thompson, can you please come forward?

Thank you very much for being here today, Mr. Thompson. You may make a brief opening statement. Any time that you use will be taken away from the government’s time for questions. You will receive questions from all parties, and the questioning will begin with the official opposition.

Mr. Peter Thompson: Thank you, Mr. Chair and members. It’s a pleasure for me to appear before you today and be considered for appointment to the Ontario Energy Board. In the past, I’ve made many court and tribunal appearances on behalf of clients. This, however, is my first appearance in front of a legislative committee, and it’s a genuine honour for me to be here.

I would like to take this opportunity to elaborate on the factors that I believe qualify me for appointment to the board. I propose to do this by providing my understanding of the tasks which board members are expected to perform. I will then briefly touch on the features of my experience which enable me to competently perform these tasks.

The primary role of the board members is to hear and determine matters in issue at public hearings. These hearings are held to determine utility rates or to grant other regulatory approvals which utilities require.

To be effective in this position, one must be a competent adjudicator with a desire to make a constructive contribution to utility regulation in Ontario in a fair and equitable manner. This desire, along with an interest in working inside an adjudicative and mediation sphere of activity, prompted me to apply for this position at this point in my career.

With some 48½ years of practice as an advocate before various public-interest administrative tribunals and the courts, I know what it takes to be a competent adjudicator. Key qualities include an ability to carefully listen to all sides of a matter in issue with an open mind. Disputed issues are then fairly determined by applying the appropriate guiding principles to the facts of the case in a manner which best serves the public interest.

I am a good listener. I am fair and I am equitable. These qualities are demonstrated by the fact that for some 25 years, from 1971 to 1996, my professional colleagues in Ottawa enlisted me to be their managing partner. One has to be perceived by his peers to be a good listener, transparent, equitable and fair to be asked to serve in such a position for so many years.

From my resumé you will have seen that I have some 42 years of experience in appearing in proceedings before the Ontario Energy Board. My mandate has been to advocate the interests of general-service and large-volume consumers of rate-regulated utility services. Since 1973, I have continuously appeared to represent consumer interests in hundreds of rate and other regulatory approval applications brought by Union Gas, Enbridge Gas Distribution and their predecessors. Since 2008, my colleagues and I have represented ratepayers in the electricity distribution and transmission rate applications brought by Hydro One Networks. We have done the same in the several proceedings brought by Ontario Power Generation for approval of the amounts to be paid by ratepayers for most of its hydro and all of its nuclear electricity generation.

My involvement has been with the large gas utilities—Union Gas and Enbridge—and on the electricity side, with Hydro One and OPG. Except for Hydro One, I have

had little or nothing to do with any of the other 71 electricity distributors and four electricity transmitters which the board regulates.

For many years, several lawyer evaluation publications have annually recognized me as one of Canada's leading energy regulation lawyers. In 2009, my energy regulatory law peers selected me as the recipient of the prestigious Energy Bear Award for lifetime achievements in that field of endeavour.

My role throughout has been that of a consumer advocate. As a result, I am intimately familiar with the requirements of all classes of ratepayers. They need safe, reliable and efficiently operated infrastructure providing utility services under the auspices of rates which are reasonable, sustainable and affordable. I'm well versed in matters of cost allocation and rate design. These topics relate to the setting of just and reasonable rates for different classes of ratepayers. I am also familiar with additional regulatory measures which can be implemented to protect the interests of consumers with respect to the prices for utility services, as well as their adequacy, reliability and quality.

Moreover, as a result of my many years of probing numerous rate, leave-to-construct and other applications made by Enbridge, Union Gas and OPG, I understand and appreciate the requirements of utility owners. Their needs must be addressed to enable them to maintain, expand and effectively operate their systems. I am very familiar with the facts and principles that are germane to a determination of a revenue requirement which provides each and every utility with the opportunity to earn a fair return.

With my lengthy experience in proceedings before the board, I bring to the adjudicative task at hand an extensive knowledge of the board's precedent decisions. I am cognizant of the board's existing and emerging policies to enhance the opportunity for consumers to be heard.

I believe that all of these attributes will enable me to competently serve as a board member.

In closing, let me say that I am committed to making a constructive contribution to utility regulation in Ontario. I am looking forward to working with existing and new OEB members, many of whom I have appeared before as counsel or who are otherwise now known to me. I am eager to join them in responding to the challenges the board faces in continuing to fulfill its public interest mandate.

The Chair (Mr. John Fraser): Thank you very much, Mr. Thompson. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming before us today.

The Auditor General highlighted in the 2011 annual report that although the OEB sets the regulated electricity rates, it only has control over about half of the bill's charges. Items such as the global adjustment or the debt retirement charge are outside the board's mandate.

We receive lots of questions in our office about hydro, as you can imagine. Rates have tripled over the last 12

years. People don't understand this. How would you recommend that the components that make up the electricity bill are better communicated to the public?

1040

Mr. Peter Thompson: My understanding is like yours. The global adjustment is something beyond the control of the board, so it's an educational issue to make consumers understand all of the components of the bill. I believe the board has undertaken some initiatives recently and is continuing to attempt to educate consumers and to make them more fully informed as to all of the items that go into the electricity prices that are on the bill, some of which are regulated, but the bulk of them are not.

Mr. Jim McDonell: As an example, a small business in my colleague's riding of Cambridge—the company had sent a bill in. The cost of energy was around \$3,500. Transportation was around \$3,500. The global adjustment, with taxes, was almost \$67,000, well over half the cost of the job. That's the difference between the cost of energy and the price of what they're paying for. His comment was, "This is a fee that I didn't pay just a few years ago, and it's putting me out of business." You can imagine trying to be competitive when you've got a component of your energy to that extent. How do we get that under control?

Mr. Peter Thompson: I'm not so sure that the board can solve that problem. There are a lot of tensions in energy pricing these days. The board is obliged to follow government directives. It's obliged to adhere to government policies. It has an obligation to protect consumers. It also has an obligation to make sure there's an efficient utility system and that the utilities are able to access capital on reasonable terms. So the board is faced with a lot of pressures, and I think it's doing as best it can to both inform consumers and to balance all of those competing interests when setting the rates over which they do have control.

Mr. Jim McDonell: Currently, utilities that wish to alter their rates are subjected to an expensive and time-consuming process, including paying all presenters' travelling expenses regardless of the presentation's relevance to the question. We see from the Auditor General's report that many of these expenses that the board is forced, by the mandate, to allow are nothing to do with the companies that are doing the work. They're provincial guidelines or provincial policies that have really hurt our economy and hurt the cost of power. But they're forced to go for regulation changes to up their rates to cover these costs. How can we streamline that process? Really, we're talking about fee increases that have nothing to do with the distributor itself. It's forced to pass on the costs, but they have to go through a very lengthy and expensive process, which really is—the board has no choice but to offer the increases anyway.

Mr. Peter Thompson: I don't know that in my pending adjudicative role I can comment on the politics of controlling the prices, but what I can say is that the board looks very carefully at the costs over which it does have jurisdiction and does a very effective and, I believe, balanced job in addressing those concerns.

Mr. Jim McDonell: I know that the Premier has talked about the recent review of the energy pipeline and the identification of whether it's in the best interests of Ontario or not. We look at Atlantic and Quebec refineries that are forced to buy oil from international countries at market value, yet our oil is being sold to our competitors in the States at a \$20 discount. That's still in effect today. The price of oil is around \$50; our American customers are paying \$30.

One must wonder, especially with the dangers of transporting by rail and all the issues they talk about in transporting oil by water—this is coming in by huge ships from overseas. You'd have to wonder: How is this not in the best interests of the country, and Ontario in general, to somehow shorten that discount of \$20 a barrel so that we can actually compete? We're forced to buy this oil back at this higher rate where our American neighbours—they're good neighbours but they have benefited from almost a 50% discount on our oil.

Mr. Peter Thompson: You're talking about competitive forces at work, not regulatory forces at work. I don't think that I can elaborate on those points. But on the point about the Energy East Pipeline, the board did do a report on that project and made some observations about its pricing impact on Ontario consumers. Interestingly enough, shortly after the release of that report, TransCanada PipeLines and the eastern Ontario distributors entered into an agreement that responded—at least to the extent that I understand it—quite favourably to the board's analysis of some of the deficiencies on that project. That was a constructive outcome.

Mr. Jim McDonell: Being in rural Ontario, I know that one of the issues we have is that natural gas is considerably cheaper than propane or diesel fuel, yet it's very hard to get it extended. Personally, I myself am only a couple of hundred feet from a pipeline but can't even get a price to extend it. How can we make sure that our farmers are actually going to benefit from something that has become readily available around the world? Again, looking at costs that are more than 50% of traditional oil or propane costs—

Mr. Peter Thompson: If you're talking about natural gas, there are initiatives in Ontario to try to bring gas to more rural communities. I believe that there's funding that's available from the government for that kind of activity. If, once again, you're talking about oil prices and the competitive forces—distribution, getting the oil to the places where it's needed, and refining are important, but again, that's all outside the purview of the OEB.

Mr. Jim McDonell: I know that the pipeline companies are saying that they have no ability to extend their serving area under the current rules of energy policy in Ontario. That's their message to the municipalities.

Mr. Peter Thompson: Well, if you're talking about the rules for natural gas expansion, utilities have to demonstrate a certain productivity level, and you can't put in a long line expansion if there's only one customer at the end of the line. You have to have some economics

to support it. As I say, there are programs, though, to try and facilitate expansions into more rural areas, which are a relaxation of those rules.

The Chair (Mr. John Fraser): Mr. Pettapiece, you have a minute and 20 seconds.

Interjection.

The Chair (Mr. John Fraser): You just used five seconds.

Mr. Randy Pettapiece: Just a comment here: You suggested that reasonable, sustainable and affordable rates are something that you would certainly like to work on with energy costs, if you're appointed to this board. Is that correct?

Mr. Peter Thompson: Yes, that is my interpretation of the board's mandate, to set just and reasonable rates.

Mr. Randy Pettapiece: I wonder, sir, if you could teach this present government what those terms mean.

Anyway, my question: What's cap and trade going to do on energy costs? Have you any thoughts on that?

Mr. Peter Thompson: That's really out of my area of expertise.

Mr. Randy Pettapiece: Would you suspect that it's going to raise energy costs in Ontario, if this government goes ahead with those things?

Mr. Peter Thompson: I really don't feel competent to comment on that.

Mr. Randy Pettapiece: Okay, all right.

Thank you, Chair.

The Chair (Mr. John Fraser): Thank very much, Mr. Pettapiece.

Mr. Randy Pettapiece: You're welcome.

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Wayne Gates: A pleasure. Mr. Thompson, how are you?

Mr. Peter Thompson: I'm well, sir. How are you?

Mr. Wayne Gates: Very good.

Just on the gas: I know it's not really your expertise, but you did mention about the refineries. I'm of the firm belief that we probably shouldn't have closed a number of our refineries, which would have kept us a little more competitive, kept the good jobs right here in Canada. That's not really your expertise, but that's how I feel about it, so I thought I'd get that out there.

Having represented Canadian manufacturing at the OEB—is that pretty accurate?

Mr. Peter Thompson: That's correct, yes. For the past eight years, I've represented Canadian Manufacturers and Exporters.

Mr. Wayne Gates: How have you found that?

Mr. Peter Thompson: I've enjoyed it, thank you very much.

1050

Mr. Wayne Gates: Well, I think it's good. That's why I'm saying that it's certainly not a negative.

In light of the recent Ontario Chamber of Commerce report, Empowering Ontario, which claims that soaring electricity rates would cause one in 20 Ontario businesses to close up within five years, what should the OEB do to

ensure a competitive economic environment for Ontario businesses?

Mr. Peter Thompson: That's a very good question. It brings into play all of the forces that are having an effect on electricity prices in Ontario, some of which the OEB can control and supervise, and others which are beyond their mandate. That's one of the challenges that the OEB has, I believe: to respond to the pressures from consumers with respect to prices but also respect government directives, government policies, and also balance those two pressures with the needs of utilities. It's a work in progress.

Mr. Wayne Gates: There is a lot of confusion. You talked a little bit about education on the bills. People get their bill and they don't understand it, quite frankly. There needs to be a lot of education around that; I agree.

When we ask a question at Queen's Park around rates going up, they basically say, "It's up to the OEB; they regulate prices." Yet, twice or three times in the last few minutes, you have said, "We're not in control of everything when it comes to prices." Can you elaborate on that so it's on record and people may be able to understand it—a little bit of education on how it would work?

Mr. Peter Thompson: On the gas side, the OEB regulates storage rates. They regulate natural gas distribution rates and they regulate natural gas transmission rates. The commodity prices for gas in Ontario are largely driven by competition. Consumers can buy direct from a marketer that is unregulated as to price. Utilities will buy gas but they buy it at a market price, and the cost of that market price gas gets adjusted quarterly under what is called a quarterly rate adjustment mechanism. So there's a mix of competition and utility regulation that affects the landed cost of gas at your furnace.

On the electricity side, it's somewhat similar. The OEB regulates electricity distribution. It regulates electricity transmission; in other words, the wires costs. In terms of the commodity it has some oversight in that area, but again, the global adjustment, which is an item that captures a whole lot of impacts that are outside of the OEB's jurisdiction, as one of the members mentioned earlier, is a very significant component of the electricity price. The OEB regulates all of the nuclear output of OPG. It regulates most of the hydroelectric output of OPG, but then, over and above that, there is a segment of electricity generation that is completely unregulated. Once again, it's an amalgam of competition and rate regulation. I hope that helps.

Mr. Wayne Gates: It's probably as clear as mud to most people, but at the end of the day I think those types of explanations should go to part of the education process on why we're at where we are and exactly what the OEB does control and doesn't control when it comes to our rates. I think it's important for people to understand that.

I believe that over the course of your 25 years, you've been a very good foot soldier for consumers. I think that's commendable on your part. I think it's important.

I want to go back to the Ontario Chamber of Commerce for a minute, if you don't mind.

Mr. Peter Thompson: No, that's fine.

Mr. Wayne Gates: On August 20, 2015, which was just 11 days ago, the Ontario Chamber of Commerce released a letter demanding that the Wynne government prove that the electricity rates will not go up as a result of the Hydro One sale. Given that the OEB's mandate under the Ontario Energy Board Act includes "To protect the interests of the consumers with regard to prices ... reliability and quality of the electrical service," which I think you've already said, do you believe the OEB should investigate the Hydro One question on behalf of the Ontario consumer?

Mr. Peter Thompson: Again having regard to the neutral position that I am striving to be appointed to, I would not be inclined to answer that question other than to simply say this: To the extent that Hydro One's costs are affected, and they may not be affected at all, those costs will be before the Ontario Energy Board when it regulates Hydro One's distribution rates. So I suspect that some of the tensions that you're describing, and perhaps other issues, will find their way to the board under the auspices of its obligation to set just and reasonable rates for Hydro One distribution and Hydro One transmission.

Mr. Wayne Gates: Well, I'm sure you've heard before, obviously, coming from the chamber, their concern—and I'm hearing it in my riding and I'm sure my other colleagues are; I'm not going to speak for them. The number one issue for them is hydro rates. I'm really concerned. When you take a look at the manufacturing sector, I believe one of the reasons why we've lost—and you can argue the number. It's either 300,000 or 400,000, depending on what party is putting the number out. We've lost manufacturing jobs.

In talking to decision-makers—as you may or may not know, I was president of a CAW representing General Motors and some of the bigger companies—they are saying, when they are making decisions, hydro is certainly one that they are looking at in the province of Ontario. There are a lot of concerns around it for the well-being of our province, our country, and, at the end of the day, for my kids and my grandkids so they'll be able to go to jobs when they graduate from university. Hydro rates are so important to the province of Ontario.

Mr. Peter Thompson: The number one concern is electricity prices, of which regulated rates is but a part. But I agree with you: It's a very major concern.

Mr. Wayne Gates: Then the last thing: You said there is a lot of tension these days, pressure at the board. Maybe say that again, because I think that's important to hear from somebody who has got the experience that you have.

Mr. Peter Thompson: Well, what I meant by that was that they are faced with pressures from different quarters and they have to respond within the ambit of their mandate. One thing I think the board has to strive to do is to preserve its independence because the public places such confidence in them to respond to all of these different pushes and pulls that are placed upon them concurrently.

Mr. Wayne Gates: I'll just finish by saying, if I've got enough time—are we okay?

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: I'll just finish by saying I think that somebody like yourself, with your experience and knowledge, certainly should be appointed to the OEB and hopefully help that board understand what some of the challenges are, whether it be in business, manufacturing or, quite frankly, for residents and seniors, and you've done that for a long, long time. I thank you for that.

Mr. Peter Thompson: Thank you very much for your support.

The Chair (Mr. John Fraser): Thank you very much.

Ms. Hoggarth, you have about two minutes.

Ms. Ann Hoggarth: Good afternoon, Mr. Thompson. Thank you very much for your presentation.

I'd like to say, Mr. Gates, that apparently we're on the same side in this matter.

You've made it very clear that you have a vast amount of experience. Forty-two years of experience with the regulation of natural gas and electricity utilities is very valuable in this position.

I also love the fact that you used the word “balance.” I'm a Libra and I believe that there should be balance. You have pointed out very clearly that there are two sides to the OEB and that you have to take into consideration not just consumers but providers. I'd like you—if you could share any specific examples of how in the past the Ontario Energy Board has responded to consumer advocacies and examples of when ruling on specific rate cases.

1100

Mr. Peter Thompson: That's calling on 42 years of experience. I could be a while.

The Chair (Mr. John Fraser): In about a minute.

Mr. Peter Thompson: I guess a recent example would be OPG's recent payment amounts case. OPG had very substantial compensation claims for its nuclear business, and the board scrutinized those claims very carefully and rejected a significant sum. It was some \$140 million, if I'm not mistaken. That case is under appeal. It has gone right to the Supreme Court of Canada. But that's one example of where the board considered very carefully the cost claims that a utility was seeking to recover and found that, having regard to the evidence and other benchmarks and OPG's own practices, these amounts were unreasonable and should be disallowed. So that was a response to a consumer concern that was posited by the OEB.

You see the same thing with hydro. Hydro One has had similar types of decisions, and on the gas side there are always some disallowances made in the amounts that the utility seeks to recover.

The other side is, when they're actually setting rates, if the rates reach a point where they're characterized as a rate shock, then the board will introduce some mitigation measures to smooth that out.

The Chair (Mr. John Fraser): Thank you very much, Mr. Thompson. That's all the time we have for today. We appreciate you being here today before the committee. We'll consider the concurrences at the end of the day. Thanks again.

Mr. Peter Thompson: Thank you very much.

MR. PREET BANERJEE

Review of intended appointment, selected by third party: Preet Banerjee, intended appointee as member, University of Toronto governing council.

The Chair (Mr. John Fraser): Our next intended appointment is Preet Banerjee, nominated as member, University of Toronto governing council. Mr. Banerjee, can you please come forward?

Mr. Preet Banerjee: Good morning.

The Chair (Mr. John Fraser): Good morning. Thank you very much for being here today. You'll have the opportunity to make a brief opening statement. Any time that you use will be taken from the government's opportunity for questions. You will be questioned by members of all parties. Please, Mr. Banerjee, you may begin.

Mr. Preet Banerjee: Thank you very much, Chair, and thank you very much to the committee members. I'm honoured to appear before you today and privileged to have been nominated for an appointment to the University of Toronto's governing council. I'd like to take the opportunity to provide opening remarks relating to my background and any particulars that may be relevant to this appointment.

I currently work as a consultant to the financial services industry and I am a doctoral candidate at the Henley Business School at the University of Reading in the United Kingdom.

I have worked in various functions within the financial industry, previously as a financial adviser, originally as a mutual funds sales representative, and later as a full-service adviser at a full-service brokerage.

I also have experience with retail and institutional investment fund wholesaling. I hold a financial management adviser designation and a derivatives market specialist designation, and I am a fellow of the Canadian Securities Institute.

I currently serve on two boards: I'm a director with the Canadian Foundation for Advancement of Investor Rights, and serve on the campus council of the University of Toronto Scarborough campus. I'm also an honorary board member for A Better Life Foundation, which is an organization that seeks to improve food security in the Downtown Eastside of Vancouver, British Columbia.

I obtained my undergraduate degree in neuroscience from the University of Toronto Scarborough campus in 2001, and since that time I've been actively involved with the campus on a regular basis, having facilitated workshops on personal finance, participating as a speaker and moderator for three annual leadership conferences, and, as previously mentioned, I'm also serving as a campus council member there.

There is additional background information included in the document prepared by the research officer. I believe that my experience working with the campus council at the University of Toronto Scarborough campus coupled with my demonstrated history of being an active member of the alumni association would speak to the qualifications and motivations of wanting to continue to give back to my alma mater.

This concludes my opening remarks. I am now pleased to answer any questions from the committee.

The Chair (Mr. John Fraser): Thank you very much, Mr. Bannerjee.

Mr. Gates.

Mr. Wayne Gates: Good morning.

Mr. Preet Bannerjee: Good morning.

Mr. Wayne Gates: How are you, sir?

Mr. Preet Bannerjee: I'm well. How are you?

Mr. Wayne Gates: I'm great. You gave a little bit, but I'm going to ask you again: What motivated you to seek the appointment?

Mr. Preet Bannerjee: Sure. Since I graduated in 2001, I've been involved, I believe, every single year since 2001, working at facilitating workshops, participating in conferences at the request of the alumni association; student clubs would have me speak to their members. I've always felt that I've gotten so much from the University of Toronto, and I enjoyed having the opportunity to give back. I think that's the general nature of academic institutions, to foster innovation, learning and leadership. It's been an honour to do that. I don't think there's been a single request that I've turned down to participate in any programs that they have, and I'm happy to continue to do so.

Mr. Wayne Gates: And you're a true volunteer.

Mr. Preet Bannerjee: None of these positions have ever been remunerated.

Mr. Wayne Gates: I just wanted to put that out there, to make sure that everybody understood.

Now, what do you think are some of the issues at the university?

Mr. Preet Bannerjee: Well, with any large academic institution, especially the University of Toronto being the largest academic institution in Canada and one of the most well-respected in the world, there's a lot of pressure to continue with that. Fostering academic freedom, innovation and leadership, which is a critical function to the country as we go forward in a global economy, I think is imperative. Of course, with any large body, there are going to be challenges, but I don't think that the university at this time faces any challenges that are unique.

Mr. Wayne Gates: What skills and interests do you think you bring to the council?

Mr. Preet Bannerjee: I have a background in finance—so being a large academic institution with a very large budget, I believe, looking at the numbers, I have some experience there. There are a lot of numbers, a lot of departments, and having a critical eye cast on that is always beneficial.

Mr. Wayne Gates: This is a really tough question for you, but I'd like you to at least respond to it. Is there any way you can help the football team?

Mr. Preet Bannerjee: I could possibly volunteer as the water boy.

Mr. Wayne Gates: They've struggled the last few years, the football team, that's for sure.

Mr. Preet Bannerjee: That's right. There are struggles, but just like the Blue Jays, potentially there is the opportunity for a giant comeback.

Mr. Wayne Gates: And that was my next question. Everybody here knows I'm a big Blue Jays fan, but it's got to be enjoyable living in Toronto and even on campus right now. I go to a lot of games, and I've enjoyed—surprisingly, quite frankly, to myself—the number of young people who are following the Jays. If you watch the crowd when you watch the games at night, it's all young people. They're having fun, the music is loud—it's really an enjoyable event. It is being driven by young people, and a lot of them are university kids. It's kind of neat the way the Jays have really taken to young people. It's a little off the subject, but I just thought I'd raise it.

Mr. Preet Bannerjee: If only they could share that secret sauce with the Leafs.

Mr. Wayne Gates: Well, that's a whole other story.

Interjection.

Mr. Preet Bannerjee: That's true. There's hope. Hope abounds.

Mr. Wayne Gates: I don't want to see this in Hansard, but I can tell you that—

Interjection.

Mr. Wayne Gates: That's okay. It could be worse, trust me. The last time the Leafs won the Stanley Cup, I was in diapers, and probably the next time they win the Stanley Cup, I may be back in diapers. That's all I'm saying. I don't know if that's something you can—

The Chair (Mr. John Fraser): I take it that concludes your questions.

Mr. Randy Pettapiece: Point of order. Point of order on that one.

The Chair (Mr. John Fraser): Point of order?

Interjection.

Mr. Wayne Gates: I'm a Sabres fan. We've never won either.

The Chair (Mr. John Fraser): Mr. Pettapiece, that's not a point of order.

Thank you very much, Mr. Gates.

Mr. Wayne Gates: My pleasure.

The Chair (Mr. John Fraser): Mr. Ballard, please.

Mr. Chris Ballard: Sure, I can ask a question.

The Chair (Mr. John Fraser): You have about eight minutes.

Mr. Chris Ballard: The obvious question, Mr. Chair, is what's Oprah Winfrey really like in person, but you may not want to go on Hansard with that. It's a delight to have you here, offering up your time to work with the University of Toronto. As we've said to so many people who have appeared today, volunteering is really the

essence of what makes our community so strong, so thank you very much for that.

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Having said all of that, I know obviously the school year for some in university and college has already begun, if you can call orientation week the beginning. It is maybe—well, I guess it really is the beginning, isn't it? With the academic year about to start, as a financial consultant, what advice would you give to university and college students, and to their parents, about those who are starting their career or those who are anticipating their academic career? What sort of advice would you give us all?

Mr. Preet Banerjee: Sure. With respect to financial advice, I suppose there are two main categories. One would be that, if this is the first time that you've left home, this is where your real financial life really begins, and the lessons that you learn during this time can stay with you for a long time, or they can plague you for a long time.

A lot of students have to access student loans in order to fund their way through university; that's a reality. But that doesn't mean you can't run a budget. It doesn't mean that you can't try to minimize expenses. My advice to students from the respect of financial advice while they're in school is: Your budgeting needs to start now. When it's Friday night and you're out drinking, always buy the first round because, as the night continues, that's what everyone remembers: that you bought the first round. You won't have to buy a second.

With respect to long-term career planning, obviously there is a push—and I think it is well recognized within academic institutions—that there are certain career paths that are more lucrative down the road in terms of job prospects and income, and I think there is a move to recognize that, and I think that we don't give young students, young Canadians, enough credit to realize that. For people who want to study a career in fine arts, I think that's fine as long as you go in with your eyes open, and I think we don't recognize that a lot of people who do choose that understand the path that they're taking.

Mr. Chris Ballard: Very good. The comment about fine arts—coming from a liberal arts background, oftentimes there are so many skills there that are developed but it's oftentimes difficult to walk out of a university and into a well-paying job, but as it is in many jobs—many career paths or education paths.

I know with my three children having just completed their post-secondary education—fine arts, bachelor of commerce, whatever, it can all be difficult. I always put a plug in—and I know here you're looking to get on the governing council of a university—that sometimes a great finish to your post-secondary education is a college diploma that gives you the hands-on education that takes that academic work, shapes it nicely, gives you some hands-on skills, and then sends you out into the workforce. Sometimes some of these programs where colleges and universities are working together to give both a diploma and a degree I think are, in many ways—in many career paths, anyway—the way of the future.

I really don't have any more questions to ask than that, but thank you for your advice on both finance and on buying the first round. It probably applies to MPPs as well.

Mr. Preet Banerjee: Thank you.

The Chair (Mr. John Fraser): Mr. Dhillon, do you have a question?

Mr. Vic Dhillon: Yes, just briefly, Chair. Preet, thank you very much for all the work that you do. I know you're a regular co-host on a very popular radio show. I really believe that some of the financial concepts, or the way of financial literacy for today, are truly game-changers, and I just want to say thank you for all that you do. I wish you all the best.

Mr. Preet Banerjee: Thank you very much. I appreciate that.

The Chair (Mr. John Fraser): Thank you very much, Mr. Dhillon. Mr. McDonell.

Mr. Jim McDonell: Thank you, and thank you for coming out. It's great to see that, as a U of T alumnus, you're coming back to give back to your alumni. It's interesting to see—a BSc in neuroscience, became a race-car driver, and then a financial expert. The obvious question is: What drove you to these changes?

Mr. Preet Banerjee: No pun intended. Well, the neuroscience was sparked by an interest—a friend of mine in high school's mother worked in the neuro ICU, and she arranged for me to shadow the chief of neurosurgery one day. I became absolutely fascinated with the human brain. My father was a physician, and it seemed a natural conclusion for me to pursue the sciences, so I enrolled in this neuroscience program. Unfortunately, about halfway through the program, I realized that it was not going to be a lifelong passion. I decided to finish the program, and during that time, another friend of mine had introduced me to the world of auto racing. So I decided, when I graduated from university, that since I didn't know what I wanted to do with my life specifically, now was the best time to try and pursue a career in auto sports.

I enrolled in the Bridgestone Racing Academy, trained there for a year, continuing on with the school for another two years. The business revenue of that school: One third of it was corporate entertainment. Instead of spending \$12,000 to take 144 people to a golf course, you can take 12 people to a racing school. A lot of companies that went there were relatively well heeled, including a number of Bay Street brokerages. I got to know a number of people on Bay Street because of the racing school, oddly enough. One of them took me aside one day and said, "When you're done wasting your time, let me know. I think you'd do really well in my world." I ended up studying finance, and became a financial adviser.

I think, moreover, this speaks to the adaptability of the next generation of Canadians. When you study liberal arts, fine arts etc., that gives you a skill set, and coupled with the adaptability that we have, that opens up opportunities. I'm a perfect example of that. My background is in neuroscience and I ended up in finance.

Actually, the neuroscience has probably played more of a role in what I do as a financial commentator than anything else, because finances are about, as I say, 90% psychology and 8% math. The missing 2% is a testament to how unimportant the math is, because we know what we have to do; the problem is, we don't do it. That's the challenge.

Mr. Jim McDonell: As a Queen's graduate, we always enjoyed U of T being in the league. It was good to pick up the two points all the time. I like to see them with some consistency.

In a blog, you talk about where the money goes, and it's clear from the recent numbers and the latest budget in 2015. What would a savvy investor say when he's faced with the simple fact that \$9 billion is spent between training, colleges, universities, research, innovation, employment and economic development, and \$11.4 billion on our debt? Where is this going? We see that each year it's going up. We have the lowest interest rates in years, and it's interesting to hear Mike Harris say that when he came into government, they were actually paying more interest at that time with a debt that was probably a quarter of what it is today. There is a lot of speculation that—maybe not in the short term, but certainly over the next decade—there's a good chance that the interest rates will start to return back to the average.

Mr. Preet Banerjee: Right. Well, the line of questioning is probably not directly pertinent to the appointment, but so have a lot of other comments, so I will address this one since I have addressed some of the other comments. I think long term—and this is a long discussion. It cannot be answered in the span of a few minutes. Certainly, there is academic research to suggest that when interest rates are low, financing infrastructure can be an important consideration going forward. The trick is: What is the balance? Unfortunately, that is a target that is hard to assess, looking forward. You really can only judge it looking in the rear-view mirror—of course, hindsight is 20/20.

That being said, the idea of balanced budgets versus running deficits etc.: There is a lot of rhetoric and posturing behind that. When you look at what the academics, the research would suggest, there is a balance to be struck that should not be pigeonholed based on platforms per se, but unfortunately that's the nature of, I guess, elections, governments and how that intertwines with economic theory. There's no perfect answer.

I couldn't give you an estimate as to how it's going to unfold because I also don't know what changes will occur going forward. One of the challenges that any forecaster has is that the information that they know is based on the information that they know. The truth is, the information changes all the time. Whatever forecast you give, by virtue of the fact that you're not living at a specific point in time and all points in time, that information is not always going to be perfect.

Mr. Jim McDonell: I walk to the Legislature, and I go by a number of—a couple of condominiums are under construction. I look back at a map that's not very old, less

than 10 years, and I see a U of T track there. Certainly, a university in the middle of Toronto is quite a gem. I guess I find it a little bit concerning that they're forced—I can't think of any other reason why they would—to sell this land off to meet their obligations. When I see a sign out front that says the condominiums are starting at \$2.5 million or something, I can't help but think that they're probably not for student residences.

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This land is gone now. It's not available to the university. It was an athletic facility. What's the answer? Surely, the university shouldn't be required to cut off parts of their being in the past? U of T has a very proud history, but now it has a smaller footprint. A big part of student life is the recreational side of it. Any comments on that?

Mr. Preet Banerjee: Well, I think that this is one of the challenges that a city like Toronto faces: How do you allocate these different resources appropriately? That is a challenge that certainly the university will face going forward.

Again, I think we underestimate the resiliency or the resourcefulness of the undergraduate student. I remember, when I was back in university, that I had four roommates. It sounds like a trend that will continue, especially if projects like that go forward. I imagine that will continue to a certain extent, going forward as well.

I think that's all I can offer to comment at this time. I can't really offer any other conjecture on that.

Mr. Jim McDonell: I know that the price of accommodation in Toronto for students that don't live in Toronto must be very difficult. Tuition is relatively close in all the institutions across the province, but in the largest centres, I see some of the cheapest accommodations being \$1,500 a month. Whether you're here or not, you have to pay for it.

My children went to Queen's, where it was about a third of that, and we thought that was expensive. The cost of a university education was about \$20,000 a year. If you add on an extra \$10,000, it gets pretty expensive in Toronto. What can you see helping the student out? These are costs that they have to overcome.

Mr. Preet Banerjee: It is a growing challenge. I know the Canadian Federation of Students normally touts a number that the average debt-load that an undergraduate graduates with is about \$27,000. I should point out that that's actually a conditional average, meaning that it's conditional upon having debt in the first place. So it turns out that about 50% of students do not have debt that gets reported in these figures. That also doesn't take into account the fact that there are a lot of loans from parents that don't show up in the data.

The moral of the story is that there is a lot of debt incurred for taking on post-secondary education. At some point, there may be a tipping point. Certainly, that's cognizant for anyone who is working in Toronto, because once you look at the living expenses—certainly, tuitions have been rising faster than inflation—it gets more difficult to enrol in post-secondary education in the first place.

I believe that's not an insurmountable problem. I believe that education is certainly worth the investment. If you take a look at the effects on the lifetime earnings for someone with a post-secondary education degree, it is a quantum leap above someone who does not have it. The research is clear on that.

As long as that return on investment is there, even though that return seems to be shrinking just a little bit, given the trends in inflation, living expenses etc. for a big city, I think that will continue to be true.

Mr. Jim McDonell: When you look at the cost of accommodation, it's becoming a major cost. In my riding, I have five brothers who went to Kemptville College. Now their only option is either to go to Quebec or go to Ridgetown or Alberta for that education. The agricultural community is quite different than a lot of the other sectors, where people going into the field benefit from being in a school where agriculture is the main direction of the school.

I also see student associations coming in, talking about how they had bought into the Liberal promise of cutting tuition by a third, but finding out that only 10% of the people actually qualify for it. They're getting frustrated. They see costs going up—

The Chair (Mr. John Fraser): Mr. McDonell, I'm sorry to interrupt you, but your time is up.

Mr. Jim McDonell: Okay, thank you.

Mr. Preet Banerjee: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Banerjee. We appreciate you being here this morning. We'll consider the concurrences at the end of the day. Again, thank you very much for being here.

Mr. Preet Banerjee: Thank you. It's been my honour.

The Chair (Mr. John Fraser): Sorry; I meant to give you guys a one-minute warning, but it got by me.

MS. JENNY GUMBS

Review of intended appointment, selected by official opposition party: Jenny Gumbs, intended appointee as member, Justices of the Peace Review Council.

The Chair (Mr. John Fraser): Our next intended appointment is Jenny Gumbs, nominated as member, Justices of the Peace Review Council.

Ms. Gumbs, can you please step forward? Thank you very much for being here today. You will have the opportunity to make a brief opening statement. Any time that you use for your statement will be taken away from the government's time to ask you questions. You'll be asked questions by members of all three parties. The questioning will begin with the government.

Ms. Gumbs, you may proceed. Thank you very much.

Ms. Jenny Gumbs: Thank you, Mr. Chair. A pleasant good morning, other members of the committee, ladies and gentlemen. Indeed, I feel honoured to be afforded this opportunity to appear before you today and to be considered for appointment to the Justices of the Peace Review Council. As such, I do thank you.

I have been an executive for over 20 years in the diplomatic and foreign service. I have the proven ability to optimize a strong network of business, political and community contacts in order to attain desired results. I have enjoyed a progressive career in community-focused roles, with a well-established track record of success and support in multiple concurrent initiatives that enhance the well-being of a wide and varied audience. Included in some of my responsibilities as a diplomat here, I can say I have demonstrated proven diplomatic abilities in building mutually beneficial relationships with influences in the political, business and education arenas.

I am a fully dedicated individual to community leadership. I have participated in over 20 community organizations across Canada, and negotiate with each group to transition disparate objectives towards a common goal.

I have represented my home country here at diplomatic, political and social functions, and was provided as a key point of contact for mission-critical events.

Many other responsibilities: consular services to nationals here in Canada, as well as to persons wishing to visit their home country; foster a diplomatic and consular relationship with Canada and representatives of other countries here in Canada.

I have worked very closely with Citizenship and Immigration Canada in resolving immigration matters between nationals and the Canada Border Services Agency.

I've had to also deal with the administrative aspects of preparing budgets and programs for the office and to exercise financial acumen to ensure budget compliance.

I've also been involved with several community organizations. I've been on the advisory council for Ryerson University. I'm the honorary co-chair of the University of the West Indies benefit gala, which to date, over five years, has provided over 150 scholarships to students. I am a founding director of a health organization, an endowment fund here, and several other organizations. Presently, I'm president of Tropicana Community Services and also a trustee for the national scholarship fund of the BBPA.

I think the vast experience that I have as a diplomat has provided me with the skills to work independently as well as collaboratively as a team. With representatives of other countries, I have dealt within the framework of the law, following procedures and protocols to ensure due process results in fairness and equality for all.

I am dynamic and results-oriented, with a proven track record in community leadership. I have experience in making sound, practical decisions involving complex factors. I am adept at analyzing and filtering information, facts and circumstances to arrive at decisions that are impartial and objective, and all done so confidentially, efficiently and within a timely manner. Therefore, I think, inherently, I'm a great listener and an independent thinker—these are some of my strengths—which will all add value to the council, if appointed.

My responsibilities at Tropicana: Tropicana is a multi-service organization that provides youth, newcomers and others in need with alternatives that lead to success and

positive life choices. I am very involved with the local community, serving clients while developing and managing relationships with funders, government officials, business, political and community contacts, all while staying focused on the strategic goals as to further organizational goals.

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I do think, given my vast experience both as a manager and a diplomat, there is much value that I can bring to the council if appointed. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Gumbs. Mr. Dhillon.

Mr. Vic Dhillon: Thank you very much for appearing before the—

The Chair (Mr. John Fraser): You have five minutes.

Mr. Vic Dhillon: I won't be using nearly as much. Thank you very much for appearing before the committee and making your presentation. I just want to thank you for stepping up for public service, and I wish you all the best.

Ms. Jenny Gumbs: Thank you. I consider it an honour if I can be of service.

The Chair (Mr. John Fraser): Mr. McDonell?

Mr. Jim McDonell: Thank you for coming out today. I guess you got vast, vast experience in your diplomatic role. Dealing with Grenadian citizens, how do you—I guess there are many opportunities to explain the Canadian judicial system and issues with it. Or have you been involved with the Canadian judicial system much over your career?

Ms. Jenny Gumbs: Yes. Well, as it relates to my involvement with Citizenship and Immigration Canada, absolutely. And then representing my nationals here, the scope was very wide, so I've had to deal with—whether it's the children's aid society, the social justice system, employment Canada. There are so many different areas. Within those parameters, yes, I have been involved with the judicial system.

Mr. Jim McDonell: So what skills would you have developed over the years to bring to the table here for this?

Ms. Jenny Gumbs: Being head of the mission here means that basically you're your country's government here, and as such you have to multi-task. You have different priorities, you have to be adept, you have to be a quick thinker, you have to be a great listener, you have to be able to communicate properly, you have to be able to analyze sensitive issues and respond accordingly and relevantly. Basically, these are some of the skills that I can bring to a council like this.

Mr. Jim McDonell: What drew you to apply for this role?

Ms. Jenny Gumbs: I decided to make a career change. I was exploring different opportunities, and being in the job that I was in before, I actually was very aware of the Public Appointments Secretariat and some of these positions. So from time to time, I will peruse the website to see what is available.

Mr. Jim McDonell: I also see that you're doing a master's at the University of London. Is that a time-consuming role, or how does that work through?

Ms. Jenny Gumbs: I have done a module thus far, and I have more or less had that on hold because what I decided to do was, since I had some interest in this area, I actually did the certificate in adjudication with SOAR and York University. So that I have done, but I have not continued to pursue the other one right now.

Mr. Jim McDonell: So it's really designed for people who are working, to allow you to work and take part at the same time?

Ms. Jenny Gumbs: Yes.

Mr. Jim McDonell: Do you have any questions?

Mr. Randy Pettapiece: I guess your interest in this subject—certainly you've explained that. But my information is that you filed your application on May 7 for this appointment. Is that correct?

Ms. Jenny Gumbs: May 7, yes.

Mr. Randy Pettapiece: And then your certificate was issued on June 5, so this is a very quick turnover. I just wondered—

Ms. Jenny Gumbs: Excuse me. Sorry, my certificate was issued when?

Mr. Randy Pettapiece: It says your appointment certificate was issued on June 5. So what I'm asking you is, were you asked to apply for this position?

Ms. Jenny Gumbs: No, I was not.

Mr. Randy Pettapiece: So you just—

Ms. Jenny Gumbs: Yes.

Mr. Randy Pettapiece: Like you explained, you went through—

Ms. Jenny Gumbs: I went through the process, yes. Absolutely.

Mr. Randy Pettapiece: —this thing and did all that. Okay. That's fine. Thanks.

Ms. Jenny Gumbs: Thank you.

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Wayne Gates: I think you touched a little bit on this, but what motivated you to apply for this position?

Ms. Jenny Gumbs: It was a bit different from what I've been used to, and I sometimes like change. I see it as a challenge. And for personal development as well, I have great interest in this area.

Mr. Wayne Gates: Okay. Members of the review council—and I'll read this out slowly, okay? If you want me to repeat any, that's fine.

Ms. Jenny Gumbs: Okay.

Mr. Wayne Gates: Members of the review council are required to sit on complaints committees that investigate complaints about justices of the peace, and may be required to sit on hearing panels that have the authority to reprimand or suspend JPs, or recommend that a JP be removed from office. What skills or experience do you feel you have that will help you perform this kind of work, very tough work?

Ms. Jenny Gumbs: I am an analytical thinker. I am an independent thinker. I absolutely can work under

pressure. I am great at perusing information and coming to decisions, and I think I can bring great value.

Mr. Wayne Gates: A very similar question, and I'll do it slowly. You didn't have any problem with the question at all—

Ms. Jenny Gumbs: No.

Mr. Wayne Gates: Okay, good.

Following an investigation or a formal hearing, the review council may recommend that a JP be compensated for all or part of his or her legal fees. Since 2009, the public has covered all or part of the legal fees for six JPs, including—which is interesting—four who were found guilty of misconduct and two who resigned before a hearing was held.

According to one constitutional lawyer, the public should never have to pay legal fees for a JP who has been disciplined for “acting outside the scope of the law.” Does the witness have any views on when it is appropriate for the taxpayer to cover the legal fees incurred by a JP who has been the subject of an investigation and/or disciplinary measures?

Ms. Jenny Gumbs: I think a justice of the peace, in the dispensation of his duties, needs to have judicial independence. I think he should be assured of certain protections should allegations be placed on him.

Until that JP is found guilty, I think we do have a responsibility to cover legal representation for this person in the dispensation of their duties. We will have to look at cases on an individual basis in terms of, if they are found guilty, we may decide to look at if all or a percentage of the fees may be covered, and also the circumstances—if it's a repeat offender, if it is someone who seems to be continually getting into some kind of an issue in terms of their conduct.

I think it's important that the position has integrity. The honesty of all members should be exhibited. If they're in default of that, it is something the council will have to seriously look at before agreeing to pay taxpayers' money for their representation.

Mr. Wayne Gates: I'm okay?

The Chair (Mr. John Fraser): Okay.

Mr. Wayne Gates: I've noticed that the role that you played for a long time—you're the government here for those back from the West Indies and other countries. I just wanted to thank you for doing that, because in the role that I do as an MPP, I meet with a lot of people from all over the world, and sometimes when they come here, they have some struggles, some questions: They want to know how to do the system. They need people like yourself who can talk to them, listen to them and help them. You've done it for a long time, and I just wanted to say thanks for taking that role, because your fellow citizens from your home country certainly need that help and expertise. Thank you for doing that.

Ms. Jenny Gumbs: Thank you for that observation, but it is something I enjoy doing. I like to make a difference—you know, have an impact on a person's life. Thank you.

Mr. Wayne Gates: It's an important role that you play.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Thank you very much, Ms. Gumbs. That concludes the interview this morning. Thank you very much for being here. We'll consider the concurrences at the end of the day today.

Ms. Jenny Gumbs: Thank you so much, and do have a good day for the rest of the day.

The Chair (Mr. John Fraser): Thank you very much.

We will recess.

The committee recessed from 1140 to 1301.

MS. BETTE JEAN CREWS

Review of intended appointment, selected by official opposition party: Bette Jean Crews, intended appointee as chair, Species at Risk Program Advisory Committee.

The Chair (Mr. John Fraser): We're back this afternoon. I hope everybody enjoyed their lunch.

We've got another seven intended appointees. Our next intended appointee is Bette Jean Crews, nominated as chair, Species at Risk Program Advisory Committee.

Thank you very much, Ms. Crews. I want you to know that you'll have an opportunity to make a brief statement. Any time that you use will be taken from the government's time for questions. You'll be asked questions by members of all three parties.

Ms. Crews, feel free to start. Thank you very much for being here.

Ms. Bette Jean Crews: Thank you for this opportunity.

I've been a member of the Species at Risk Program Advisory Committee since 2011. The past chair, Tom Hilditch, had some health issues and had to step down in 2014. I substituted for Tom a few times when he couldn't make meetings, and then when he had to finally step down, I took over as interim chair at the request of the committee.

I have considerable experience as chair of various organizations. I was president of the Ontario Federation of Agriculture for three years, and vice-president for four years before that. I was chair of the Agricultural Adaptation Council for three years. I was inaugural chair of the Agri-food Management Institute, and chair of my local business and professional women's club. I was also co-chair of the national food safety committee for the Canadian Federation of Agriculture and various other committees connected with all of those organizations.

Through those organizations, I've had a fair bit of governance training. I've done some research myself because governance is about rules and procedures, but successful governance is about trust and open-mindedness. Everyone at the table has to respect—that's what it is: respect—each other's right to an opinion. I've found that works.

I was also co-chair of the bobolink round table. I co-chaired that with Jon McCracken of Bird Studies Canada. The mandate of that round table was to make recommendations to the minister on implementation strategies to address policy on bobolink and meadowlark protection. Both of those are species at risk. They're grassland birds. Their habitat is hayfields. They raise their young at the same time the farmers cut their hay. So you can see the potential challenge at that round table between food production and habitat protection.

I am very proud to say that the 13 of us came together on good recommendations and good rationale to defend those recommendations. I have seen the pre-draft just this week of the government's policy statement that's going out in connection with our recommendations, and I do believe that they've been very widely heard and are addressed. The recommendations hopefully will be posted this winter.

Protection of species at risk is based on habitat. In this province, habitat usually borders on agriculture or aggregate or energy or residential, commercial, industrial lands. All of those sectors are impacted by the Species at Risk Act. When SARPAC, the Species at Risk Program Advisory Committee, is properly populated, it will have experts at that table who understand species at risk but who also have expertise from hopefully a broad range of those sectors. They can bring all of that to the table and design programs and procedures and whatever it is going to take to help implement the policy that we're dealing with. The SARPAC table is not about policy; it's about programs. I think the chair of that committee should be someone who understands that dynamic and can deal with it, and I can do that.

I welcome your questions.

The Chair (Mr. John Fraser): Thank you very much, Ms. Crews. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming in today. Can you just briefly summarize the key recommendations of the bobolink committee that you chaired or sat on?

Ms. Bette Jean Crews: Sure. Because I was there from agriculture, the main one I always remember is an extension to the 10-year exemption for farmers to be still able to cut their hay. I do want to explain the challenge of that one, because farmers don't have to grow hay. They may have to for a couple of years, but there will be other feed sources that some scientist invents. So farmers are providing the habitat right now, and by putting in rules that restrict when they can harvest, it would be better to not grow the hay, because the nutrient content diminishes as you delay the harvest. That was a big one.

Another one was that there be broad education on ways that habitat can be protected, that there be programs that will enable not just farmers but everyone who wants to establish grasslands or protect grasslands to do so without using all of their own money. As we went through this, we found quite a number of people from different sectors who really did want to give up a chunk of land for habitat. If you've got that will there, you need

a process to make it work. So we made recommendations around that.

Like I say, I've been at SARPAC since 2011. It was either SARPAC or bobolink that recommended we have a grasslands stewardship program as well. That may have been one of them.

Mr. Jim McDonell: I know, of course, with crop rotation, my brothers run a mixed farming—dairy, of course. So it's tough to leave anywhere a particular crop for many years. The bobolink was something, I guess, of particular note—I sat in one of the rooms down here when the environment commissioner talked to us. He in particular talked about the bobolink. His take on the issue with them is that we're outside of their territory where they thrive. He said, "Really, we're too far north, so that's a problem. The biggest problem we have with bobolinks is that the common household cat is a bigger threat." He said that there seemed to be an attempt to perhaps protect species that—we were not their natural environment anyway; we're on the fringe. Of course, it presents a problem for anything. So that's why I just was interested in that one in particular.

Ms. Bette Jean Crews: Can I comment on that?

Mr. Jim McDonell: Sure.

Ms. Bette Jean Crews: I wish you'd been at our table because, with all of those sectors at the table, we spent the first year educating everyone else about the bobolink, about their perspective. We do have the majority of their breeding grounds.

Mr. Jim McDonell: Of course, his role really is to critique government policy.

Ms. Bette Jean Crews: Yes.

Mr. Jim McDonell: While we're sitting in here, I'm talking about that one in particular. It made you wonder. Certainly, it's an important thrust, but at the same time, you have to be practical and reasonable about the challenges you're working towards.

Ms. Bette Jean Crews: I agree.

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Mr. Jim McDonell: You have long service to the community in agriculture and farming and a lot of time spent on various committees. What direction do you see that the committee should take in the upcoming year, as its chair?

Ms. Bette Jean Crews: The committee needs to focus on program development. The challenge around that table is not to drift into policy, because the people at that table come from policy backgrounds. I see this committee meeting the first couple of times to blue-sky on what can be done, what needs to be done, and then focusing on what we really can do to get some results, because I think that I can say this committee is successful if we get more uptake on species-at-risk programs.

Mr. Jim McDonell: I know in the farming community, of course, the banning of the neonics has been an issue. I think the comment by a lot of people is that maybe the science has in a lot of ways been disregarded when it comes to this. We're the only jurisdiction, in my understanding, that has done this, which makes it very

difficult when you are competing with various jurisdictions across North America.

Any comment on that program? How has the committee adapted to getting scientific background, getting the details of what some of the research shows?

Ms. Bette Jean Crews: We have expertise around that table now. We need more members on that committee, but there will be the expertise at that table, and then we'll have access to other experts. But again, the committee is not there to debate the policy; the committee is to take whatever policy they're handed and say, "Here is what will help implement this; here is what will help species," and make it work.

Mr. Jim McDonell: Now, were you asked anything to do with the policies put out on the honeybee? Was the committee consulted in any way?

Ms. Bette Jean Crews: Unfortunately, the committee hasn't been able to meet because we don't have quorum. Nine is quorum. I think we're allowed up to 19 members. We only have eight members with Tom having to step down, so we haven't been able to meet. I'll bet it's been a year since we've met.

Mr. Jim McDonell: How many years?

Ms. Bette Jean Crews: One, I think. I'm not positive. Time has flown in these last couple of years.

Mr. Jim McDonell: Okay. Do you have any questions, Randy?

Mr. Randy Pettapiece: Yes.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: I'd like to get back to the process where you make your decisions.

On the bobolink issue, you studied the habitat of the bird, where it nests and different things like that, so you would have data to back up any decisions that you did make on how to best manage this issue?

Ms. Bette Jean Crews: Actually, one of the recommendations we made is that more studies need to be done and that funding be put forward for those very studies. We had some expertise at the table and brought others in to give us a general idea of why bobolink can't thrive by just leaving a strip along the highway in grass, why that doesn't work, but we didn't make recommendations on the size of the habitat. The recommendation was that there's more work that needs to be done before you can decide that. Does it need to be an acre or does it need to be 10 acres? No one knows that. They have an idea that bobolink won't nest even in a large field if there's a tree within 200 yards or something, and yet meadowlark will. That kind of general information, we had.

Mr. Randy Pettapiece: So there certainly needs to be further study or further work done on this certain issue before—and I know it's difficult, a "You can lead a horse to water but you can't make him drink" type of thing. I think this will be an ongoing process over the years. I would think, the way you're explaining it to us, that in order to come to decisions that are going to help this animal, it's not just a one-size-fits-all thing here. Would I be correct in saying that?

Ms. Bette Jean Crews: Yes, that's right, and one of our recommendations was, with this 10-year exemption, that monitoring be done throughout that—maybe two years or three years is too soon to actually count the bobolink and see if it's had an impact, but that monitoring be done before that 10-year period to see how these processes have influenced and what the influence has been.

But we were very clear that at the end of that 10 years, it doesn't necessarily mean removing the exemption for farmers. It might mean throwing some money at the issue. It needs to be looked at with as open a mind as we started with three years ago.

Mr. Randy Pettapiece: I come from a farming background. In fact, I just moved off our farm about three years ago. I've always lived on a farm. One thing I know from that lifestyle is that farmers don't intentionally try to ruin something. They are stewards of their land. If they abuse their land, they abuse their animals or whatever, they're probably going to go out of business. That's just what's going to happen.

All too often, decisions are made by governments that harm that way of life, because special-interest groups or whatever get involved, and decisions are made that set farmers back—or any industry back, in fact. It's not just farmers. They can set an industry back to where they can't prosper anymore. I would hope that on what you're applying for—and I can see that you're going to do this—all considerations have to be taken into account before decisions are made, so that we can get the best possible solution to a problem. As my colleague here alluded to, that is not what's happened in this recent year with this neonic issue and our pollinators. There's too many—

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Mr. Gates.

Mr. Wayne Gates: Well, you said that you were going to be a lot stricter this afternoon. I can see that it's working already.

The Chair (Mr. John Fraser): I gave him an extra 10 seconds.

Mr. Wayne Gates: Good afternoon. How are you?

Ms. Bette Jean Crews: Good afternoon, Mr. Gates.

Mr. Wayne Gates: I know that you've been there since 2011, but what has really motivated you to be in the position of chair?

Ms. Bette Jean Crews: When Tom had to step down, I was one of the people who were searching for a chair. Everyone who I asked said, "You should do it, Bette Jean." So I had some support there.

I think that people are motivated to do what they do well—and I do an awesome job of chairing a meeting. I like the species-at-risk file. I hate to call it a hobby, but it's definitely an interest of mine, and I'm at a stage in my life where I can pick and choose and do what I want to do. I think that I can do an awesome job at this one.

Mr. Wayne Gates: I've been on a lot of committees myself. I usually tell everybody else that they would make a good chair.

Ms. Bette Jean Crews: So you're saying that I got stuck in on this one.

Mr. Wayne Gates: I'm just throwing it out there.

Some of the things that are interesting to me are species at risk. For the benefit of everybody here around the table, maybe you should name some of your biggest concerns.

Ms. Bette Jean Crews: Which species are of biggest concern to me?

Mr. Wayne Gates: Yes.

Ms. Bette Jean Crews: On a personal basis, in my neighbourhood, we deal with turtle issues. I have snapping turtles on the farm. A wind farm in Prince Edward county is talking about the banded turtle, so there's a lot of that in the press.

But I wasn't born on a farm. My dad was a barber, but I married my high school sweetheart, who was a farmer. I think coming into that with that fresh mind made me very aware of species at risk, because as a child in a little town on the edge of Lake Ontario, I enjoyed all these things. They were a given. Then on the farm, when I came in contact with things that needed protecting—I'm right in line with Mr. Pettapiece here, who says that farmers are the great stewards of the land.

To name the species that matter to me—I couldn't pick any. Is a badger more important than a butternut? I don't know.

Mr. Wayne Gates: It's interesting just from your perspective.

Something that's a little concerning to me—and you said it; it's not in my notes at all—was the fact that you could have 19 people on the committee. You're running with eight, so you're just really one person away from having a problem meeting a quorum. Why do you think that there haven't been more people coming on to the committee, or should we be looking to get more people onto the committee, not just yourself as chair? Because any time you're running that close to a quorum—the meetings I've participated in, somebody's busy with the kids at soccer or whatever it may be. Should we be looking at getting more people onto the committee, and are there some suggestions of how we could do that?

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Ms. Bette Jean Crews: We need a few more. Personally, I think 19 is a pretty large committee. When I chaired the adaptation council, we had 20 people around the chair, and that was a big table; it's hard to give everyone time to express their opinions.

There is no compensation for this. It's done totally for free. There's no per diem for this. So you're relying on people who already have a job in the industry and have an organization or a boss who will cover their time for being away that day. That's one of the challenges.

I totally agree with you: When nine is a quorum, nine is not enough for the committee. You cannot get nine people of this calibre to have a free day—heck, half of a free day—all at the same time. It's challenging.

Mr. Wayne Gates: Quite frankly, maybe we should say to the government that there should be some form of

money given to get people to do it, because this is really an important issue. You just take a look at the bees and what's going on there, and what it could do to the entire province of Ontario. Sometimes that may help. I'm not saying that might be the only reason. Maybe, if you become chair, that will be a recommendation of your committee that we should look at doing that, because it is very important work that you're certainly doing, outside of some of the other concerns around what goes on in the province.

What do you think are the greatest challenges facing your committee in the coming years?

Ms. Bette Jean Crews: We just covered one of them: time and availability for people.

Another challenge is going to be funding for the recommendations that we come up with. When we make a recommendation on a program, we also have to be able to recommend how that's going to be financed, and that's a big one. You can always find that middle of the line by saying, "Okay, well, here's a good program and maybe we should make a policy where applicants can dip out of two different programs to get this done." That kind of policy we can do.

But the financing of it is one, and time is the other.

Mr. Wayne Gates: Can you describe some of the initiatives or recommendations brought to the ministry by your committee in recent years?

Ms. Bette Jean Crews: It was SARPAC that actually recommended there be a bobolink working group. To me, that was an excellent one because it was the first of its kind and it's a template for the right way to consult.

I made some notes on that.

Mr. Wayne Gates: Take your time. We've got 10 minutes, so go ahead and look.

The Chair (Mr. John Fraser): Actually, three and three quarters.

Ms. Bette Jean Crews: SARPAC did consider a summit, and then no one around the table had the time or the money to do it. The committee didn't have the money to do it, but Tom Hilditch did it through his organization, Savanta.

We held this summit called From Conflict to Collaboration, and then lo and behold, Tom was sick that day and I chaired it for him. SARPAC fed into agenda items, suggested speakers. SARPAC has done a lot of work on overall benefit permits, on suggestions on how they would run; some work on safe harbour and recommendations on what safe harbour programs should be. I do believe it was SARPAC that recommended that species at risk be looked at on a landscape basis, because when you have a program that encourages planting of trees—I have farmers who are filling in meadowlands with trees because they're being paid for that under the program—the landscape approach is going to look at the whole landscape and not have to balance between the needs of the loggerhead shrike and the bobolink if they happen to overlap.

Mr. Wayne Gates: Another question: Can you describe the role of the committee in relation to the

administration of the act? For example, what is the general time commitment required for this position—and obviously, as I've already said, the concern that I have when you haven't met for a year. How often does the committee meet in a typical year, and how often do you believe they should meet in a typical year?

Ms. Bette Jean Crews: I anticipate four meetings a year.

This year, because we've had a gap without meetings, possibly one of those meetings or an extra meeting to do some team building around the table, some brainstorming on visions and—we were handed a mandate, but the interpretation of that mandate.

In the past we have had some meetings by telephone, and in some instances you can do that, but not for a general meeting where you're trying to get ideas. We may be able to do some Web meetings. I don't know if the technology is there for everyone.

So for the committee members, I could see it taking about four meetings a year; for the chair it's going to be a lot of phone calls and thinking and reading, and things I do already.

Mr. Wayne Gates: Have I got time?

The Chair (Mr. John Fraser): About a minute, Mr. Gates.

Mr. Wayne Gates: Just so I understand, you fell below the quorum to eight.

Ms. Bette Jean Crews: Yes.

Mr. Wayne Gates: So, really, that stops your committee.

Ms. Bette Jean Crews: Yes.

Mr. Wayne Gates: What's the process to make the government aware that there's an issue that we don't have enough people to run a quorum? What's the process that you would do if you were the chair to say, "We have a real issue here. We have a problem"? Who would you notify to try and heighten the awareness? Because I'm actually surprised you haven't met for a year.

Ms. Bette Jean Crews: If I get appointed as chair, I do believe I make the ninth, so we will be able to have meetings.

The process to get the government to realize that? I think the government realizes that now, but it was a comedy of errors that came together so that we didn't have appointments. There was the election, and one thing or another, which just kind of put everything on hold—government changing and that kind of thing. So I think it was a unique situation, and we as people on the committee will be out looking as well.

The Chair (Mr. John Fraser): Thank you very much.

Mr. Wayne Gates: Thank you.

The Chair (Mr. John Fraser): Thank you, Mr. Gates.

Ms. Hoggarth, you have six minutes.

Ms. Ann Hoggarth: Thank you very much for your presentation. As you can see, I stayed awake—the diet Coke. No, it's very interesting. My son-in-law's mother is very into ornithology and protecting species. My

cousin does the turtle watch in North Carolina where they spend 12 hours watching a nest. She was very excited. I got down there a couple of weeks ago, and they had just put 144 baby turtles into the sea, and they were so excited that all of their nest got into the ocean. These kinds of things are very important. I realize that what we're doing right now is making sure that this committee goes on and hopefully there will be people who do get involved in things like that who will come forth and join your committee as well.

You've been an active member of this committee since 2011, and you've explained that you have already taken the chair and you would be a good person for the job. I believe that's true.

Tell me how your position as president of the Ontario Federation of Agriculture will help you in this role.

Ms. Bette Jean Crews: The respect I got as president of OFA: I was known for being honest and being fair and bringing people together. I brought six commodities and two general farm organizations together to design a risk management program and speak in one voice and present it to government. The details of that program were tweaked later. The concept—bringing those people together—had not been done before; so that whole win-win approach. That has continued on. It has new leadership and it's doing a good job, and it's a win for the government because they're not dealing with six or seven different organizations, and it's a win for the organizations because they all know what the other one is doing. I think that reputation for being able to bring people together, for being trusted, for being honest, will help me.

Basically what I said was my reputation, but over and above that, it's also the people I know across this province. And sad to say, I look around this table, and I've been out of farm politics long enough, I don't recognize any faces, and that is sad. Five years ago, I'd have known all of you. I still have some of those connections in government in all parties, but generally with staff and with just people across the province. That will help get some profile.

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Ms. Ann Hoggarth: Great. Thank you so much for your presentation.

The Chair (Mr. John Fraser): Thank you very much, Ms. Hoggarth. Thank you, Ms. Crews, for being here today. We appreciate you taking the time with the committee. We'll be considering the concurrences at the end of the day today. Thank you very much again for being here.

Ms. Bette Jean Crews: Thank you very much.

MR. PAUL PASTIRIK

Review of intended appointment, selected by third party: Paul Pastirik, intended appointee as member, Ontario Energy Board.

The Chair (Mr. John Fraser): Our next intended appointment is Paul Pastirik, nominated as member,

Ontario Energy Board. Mr. Pastirik, can you come forward, please?

Thank you very much for being here today. You'll have the opportunity to make a brief presentation. Any time that you use will be taken from the government's time for questioning. You'll have questions from all parties around the table today.

Thank you again for being here. Mr. Pastirik, please proceed.

Mr. Paul Pastirik: Let me begin by saying thank you. I'm pleased to have the opportunity to be here before the Standing Committee on Government Agencies of the Ontario Legislature to discuss my background experience as well as to answer any questions that you may have related to my nomination as a part-time board member of the Ontario Energy Board.

I am a certified professional accountant with a bachelor of commerce from McMaster University and an MBA with a major in finance from the University of Ottawa. I have a diverse business background, most of which has been in the energy and natural resources sectors and related businesses.

In the early 1980s, I was employed by Dome Petroleum in Calgary in a number of roles, with an emphasis on finance and business development at a time when growth in the oil and gas industry was very strong. I then had the opportunity to work as a petroleum economist for the Department of Energy, Mines and Resources in Ottawa. In my role at EMR, I was responsible for reviewing the impact of incentives and royalties on the various participants in the oil and gas industry. This was at a time when the National Energy Program was released, and it certainly had a very significant impact on the industry at that time.

For the following 15 years, I worked for Centra Gas and Union Gas. Although I had a number of roles of increasing responsibility throughout that time period, my focus was mainly in the finance and regulatory areas. As an example, I reviewed the impact of major expansion projects on existing and new customers and worked with the various stakeholders to develop economic feasibility tests that assessed the impacts of expansion on the broader public interest.

I also had the opportunity to lead the team at Centra Gas for the full rate application in 1990. It was very important to understand the impact of all issues on the general public, particularly with respect to their rates. While at Union Gas and Centra Gas, I also led the operations in eastern Ontario, where I worked very closely with all the local stakeholders. It was in this role that I learned about the impact of business decisions on the general public. This experience was invaluable to me and will be helpful for me to understand the issues and stakeholder impacts as a board member of the Ontario Energy Board.

While at Union Gas, I also led the human resources business services group at a time when significant changes were occurring in the business and in the industry. It was during this time that a large part of the

operation was being separated from the utility business and would operate outside of regulation. So while at Union Gas and Centra, I developed strong financial and business skills, which I carried to my next role.

I then joined Aecon Construction in 1999 as the VP of finance for the utilities construction team. In that role, I developed an appreciation and understanding of project construction costs and issues that can significantly impact project execution.

In 2002, the utilities group was merged with the civil and road-building groups, and my responsibilities were increased accordingly. The merging of the many entities throughout my tenure at Aecon was something that continued to enable me to grow my career while there.

When I joined Aecon in 1999, my scope included about \$100 million of construction business annually. Over that time, my responsibility increased to more than \$3 billion in all areas of construction, including infrastructure, energy and mining. The growth was both from the internal integration of Aecon's businesses and from a number of significant external acquisitions.

Throughout this time, I created and led several of Aecon's shared services teams, which included finance, assets and equipment, human resources, and procurement. I led a number of the acquisition teams, and this was followed by the integration of the new companies, where my focus was to implement a smooth transition to maximize efficiencies and synergies that would help to develop these new businesses. I developed strong leadership and general business skills throughout my career at Aecon which I believe, again, will help me in the role as a board member of the Ontario Energy Board.

While at Aecon, I was also a director of the Ontario Energy Association, and as a member of that board, I was kept abreast of changes in the industry and government policy.

I believe that my strong business experience as a government employee, as the employee of a regulated utility, and as an employee of a major construction company, combined with my education and strong focus in finance and business services, will enable me to support the Ontario Energy Board with the challenges ahead.

Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pastirik.

The questioning will begin with the third party. Mr. Gates.

Mr. Wayne Gates: Good afternoon, sir. How are you?

Mr. Paul Pastirik: I'm good, thank you.

Mr. Wayne Gates: You're the former VP for Aecon?

Mr. Paul Pastirik: Yes. VP, finance.

Mr. Wayne Gates: Which has a Darlington refurbishment contract with SNC-Lavalin?

Mr. Paul Pastirik: Yes.

Mr. Wayne Gates: Is that accurate?

Mr. Paul Pastirik: That's accurate, yes.

Mr. Wayne Gates: The government has proposed new regulations to reduce volatility in OPG's regulated nuclear rates during and following the period of Darlington's refurbishment while permitting an orderly recovery of prudently incurred costs. That was kind of where you were at with that company?

Mr. Paul Pastirik: When I was with Aecon, I was responsible for sort of the financial roll-up of all the construction projects that were going on at Aecon, and so certainly I'm familiar with the project, but not into the intricate details of the project and all the specific costs and issues around that project, yes.

Mr. Wayne Gates: Even though you were the VP?

Mr. Paul Pastirik: VP of finance, yes.

Mr. Wayne Gates: No, but even though you were the VP at that time?

Mr. Paul Pastirik: I was, yes.

Mr. Wayne Gates: The long-term project will no doubt come before the Ontario Energy Board many times. Can you understand—and it's a fair question to you—why the public would believe that you could be in a conflict of interest because of your position as VP?

Mr. Paul Pastirik: Yes, Mr. Gates, I certainly do understand. I would ensure, when I'm in the role as a board member of the Ontario Energy Board, that if I sense or have an idea that there could be any kind of conflict from my experience at Aecon, I would certainly speak to Rosemarie Leclair about that and indicate that there could potentially be a conflict. I don't expect that I would be on any case where one of those conflicts could exist.

Mr. Wayne Gates: Okay. Last year, a former Enbridge executive, who is now OEB vice-chair, heard Enbridge's application for a natural gas rate increase. She approved a 40% rate increase. Do you think former executives should be ruling on applications involving their former companies?

Mr. Paul Pastirik: I think that there could be, obviously, some conflict, but again it would depend on how much time could occur between when they may have been involved in that industry. But I think, again, as a board member, if you look at all the information that's provided to you from the various stakeholders, you have to make sure that you keep that independence and that point of view and not show any bias toward whether you worked there or not.

Mr. Wayne Gates: It's almost like saying that it would be easy for me not to side with the union in cases. It's an interesting thing. But the Ontario Energy Board is a pretty exclusive club. Can you understand, and I've asked you this, why the public might worry that your close relationship with Aecon might affect how your fellow members feel about Aecon and possibly influence the decision at the OEB? They're obviously going to come before the board a number of times. In my next couple of questions, we'll understand why I'm going through this.

Mr. Paul Pastirik: Certainly. I understand, again, that there could be the view that there could be a conflict but,

again, I do emphasize that if I felt there was any conflict in any area that I would work with the Ontario Energy Board on, I would ensure that that was raised with Rosemarie Leclair, the chair.

Mr. Wayne Gates: I appreciate that. The Ontario government has proposed new regulations to reduce volatility in OPG's regulated nuclear rates during and following the period of Darlington's refurbishment, while permitting an orderly recovery of incurred costs. It seems to me that approving rate increases while refurbishing is in progress, before the final bill is actually known, offers opportunities to disguise costs related to cost overruns.

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My understanding is that the Ontario Energy Board has rejected such compensation-while-in-progress arrangements in the past. How should the OEB ensure transparency of costs during the Darlington refurbishment?

Mr. Paul Pastirik: I think, again, it would really be just based on the information that's provided to the Ontario Energy Board about those costs.

Mr. Wayne Gates: I guess I'll go back to the question. Do you believe that we should not wait until it's done? Or do you think we should be piecemealing it so we can hide some of the costs?

Mr. Paul Pastirik: I really don't have any comment on that.

Mr. Wayne Gates: That's fair. I'm allowed to ask the questions. I know the other side might not like the questions, but I'm allowed to do it.

Interjections.

The Chair (Mr. John Fraser): Okay, please, order.

Mr. Wayne Gates: How should the OEB ensure that electricity consumers do not bear undue cost risks related to the Darlington refurbishment? Are these proposed new regulations compatible with this objective?

Mr. Paul Pastirik: You know, again, Mr. Gates, I would only say that it really would depend on the information that's provided to the Ontario Energy Board in making those decisions and getting a good understanding of what those costs are.

Mr. Wayne Gates: Thank you, sir.

Mr. Paul Pastirik: Thank you.

The Chair (Mr. John Fraser): Government side: Ms. Malhi.

Ms. Harinder Malhi: Thank you for your presentation. I wanted to ask you if you could speak a little more about the experiences that you've had to better understand the consumer needs and interests and the rate-payers' needs and interests.

Mr. Paul Pastirik: I'll pick a couple of really good examples. I mentioned earlier that a number of years ago, I worked for Union Gas in Kingston. It was Centra Gas at the time and it became Union Gas. I had an opportunity to get a lot closer to the customers out there, so that if there was—with the impact of any expansion of the natural gas system, or any opportunities that would develop in that area, if there were any rate increases, issues like retroactive rates and things like that. It just gave me a lot more of an opportunity to understand those

impacts because you heard them more directly while being in the field.

We also had a number of stakeholder meetings where the public was always invited to participate, so you would hear those concerns, again, to try to ensure that those customer impacts were well understood. I think being close to the customer and being closer to where they are and where their world is gives you a really good understanding of what issues may develop.

Ms. Harinder Malhi: Thank you.

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. You had a realm of experience with Union Gas and you helped prepare a number of filings with the OEB. Can you give us some oversight into the application and hearing process from the suppliers' side?

Mr. Paul Pastirik: Certainly. I was involved as a witness in a few areas beyond that, but the one that I was involved with from beginning to end was in 1990, so it was quite a while ago. I think from the applicant's perspective, it was always quite a long process and a lot of information that is required. But again, I think we also understood from the business side that the information needed to be provided because there were a lot of stakeholders and customer impacts, and we wanted to make sure that all that information was available to them. While being a fairly long and lengthy process at the time, it was something that we always felt had to be done.

Mr. Jim McDonell: Throughout the process, just how deep did they get into the finances—the energy board? Were there, in your opinion, any questions left unasked? There's a long, lengthy inquiry, but do you see it as being worthwhile?

Mr. Paul Pastirik: Absolutely, I think it was worthwhile. They used to get very deep into the financials, and lots of budgeting or financial information on the operating side of the business as well, as the capital side of the business was provided. Budgets were always provided and any kind of update was also provided, but again, those operating budgets and those capital costs are really what were used in the development of customer rates. So it was really important to understand the details behind those costs and what could be driving any cost increases or decreases, as they would then be used to develop the rates for the various customer classes.

Mr. Jim McDonell: The question is really around the time and the effort they put in. And yet I look at the Auditor General's report from 2014, and she questions the role the energy board, asking the ministry to review it to provide feedback on government policies—like the Green Energy Act: That was rushed through and has had a much bigger impact on our energy prices than the details that the energy board spends months on reviewing. Really, when it comes to the actual price increases we've seen over the last 10 years, government policy has been responsible for the biggest share of the increases.

Any comment on being able to provide feedback to the government on some of their policies, considering the expertise the energy board has?

Mr. Paul Pastirik: I don't really think I could comment on that. Again, I haven't been as involved with that, say, over the last 10 years. My involvement on the regulatory side was more in the early 1990s.

There are always opportunities to improve the process and streamline where applicable. It was very much an ongoing process.

Mr. Jim McDonell: It's interesting, also, that the Auditor General provided those comments, with the energy board getting more involved. But then we see her role diminished in the last year's budget, where they have fewer options to actually comment on the role of the government.

What has seen you to apply for this job?

Mr. Paul Pastirik: I applied for this job for a couple of reasons. I did retire from Aecon last spring, and saw on the Ontario Energy Board's website that they were looking for some part-time board members, which seemed like a good fit for me. One of the reasons I would say that is that I've had lots of experience working for regulated companies. I've worked for construction companies that do work for the various energy companies. I've also had an opportunity to work for the government. I felt that working as a part-time board member would be a really good fit where I could lend my expertise and my background in helping the Ontario Energy Board, but also provide me with some opportunities to learn some new things as well.

Mr. Jim McDonell: With Aecon, were you involved with any applications before the energy board as well? Any projects?

Mr. Paul Pastirik: No, I wasn't.

Mr. Jim McDonell: Okay.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: Yes, just a few. Do you own any shares in Aecon?

Mr. Paul Pastirik: Yes, I do.

Mr. Randy Pettapiece: You do? So would Aecon's financial performance depend on OEB decisions, do you think?

Mr. Paul Pastirik: If Aecon was the constructor of a project for the Ontario Energy Board, but again, I would declare if there was any kind of a conflict, because I do own some shares.

Mr. Randy Pettapiece: Okay. I think you've answered the question on how you would do the conflict-of-interest thing. You would seek advice on that.

Mr. Paul Pastirik: Yes, absolutely.

Mr. Randy Pettapiece: If there was a conflict, then you would withdraw your—

Mr. Paul Pastirik: I would not be put on one of those cases.

Mr. Randy Pettapiece: Okay. Thank you.

The Chair (Mr. John Fraser): Thank you, Mr. Pastirik, for taking the time with us today. I ask you to remain in your seat.

Mr. Paul Pastirik: Thank you very much.

MR. PAUL PASTIRIK

Review of intended appointment, selected by official opposition party: Paul Pastirik, intended appointee as member, Mohawk College of Applied Arts and Technology.

The Chair (Mr. John Fraser): Our next intended appointee is, again, Mr. Paul Pastirik, appointed as a member of Mohawk College of Applied Arts and Technology. It is the same briefing as I gave you at the beginning of the last consideration. I'd ask that you, if you wish, begin with a brief presentation.

Mr. Paul Pastirik: Thank you very much. I won't go through some of the details of what I've already provided you with. Once again, I would like to thank you for the opportunity to be here before the standing committee to discuss my background and experience, and answer any questions you may have related to my nomination to the board of governors of Mohawk College.

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Let me begin by saying that I was very pleased last fall when I was contacted by an executive search firm to discuss the opportunity of becoming a member of the board of governors of Mohawk College.

A few minutes ago, I did provide you with the details of my education and experience, so I won't repeat that. But as indicated, I have worked for a number of organizations, including private companies as well as government. I've worked in a number of different areas in the last 15 years and have held executive leadership roles in finance, HR, procurement, construction operations and information technology. I believe that with this breadth of experience, I would be able to provide expertise in many of these areas to contribute to the strategy of Mohawk College.

I have many contacts in the construction, engineering and utility business and could definitely provide assistance to Mohawk in the development of future strategic partnerships. This could include helping students find employment after graduation or during co-op placements, feedback for program development, or participation in such things as co-op programs.

There have been, from time to time, skills shortages in a number of industries across Canada, and certainly at this time it could slow down growth. I have had instances where we've had to recruit from overseas to find workers with the necessary skills.

There is always one issue that is top of mind for many of the executives across the country when looking for future growth, and that is, where are they going to find the talent? I was very actively involved in the recruitment of talent in various colleges and universities across the country and know from that experience some of the challenges that were present.

I have always had a very strong interest in the development and growth of young leaders in business. While at Aecon, I was the executive sponsor for the development of the Future Leaders program of the business, which was developed internally as well as in

partnership with the Ivey School of Business in London. I was also a personal mentor for a number of our new recruits.

I also have a very personal reason for wanting to be on the board of governors of Mohawk College. I have three sons, all of whom went to university. My second son, however, did not continue with university studies beyond the midpoint of his second year. He was not enjoying university and was having difficulty determining his direction. He enrolled in the construction technology course at Mohawk College, where he learned not only about the various types of construction, but also a number of practical skills, like plumbing, electrical wiring etc., which he has used to renovate homes in his spare time. His education at Mohawk has enabled him to secure employment and also to learn a number of practical life skills.

For these reasons, I would like to volunteer my time and expertise as a member of the board of governors of Mohawk College. I would be pleased to answer any questions that you may have.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pastirik. Mr. Dhillon.

Mr. Vic Dhillon: Thank you very much for your presentation and for being here today. I just want to say: We really appreciate you coming out today and we wish you the best of luck.

Mr. Paul Pastirik: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Dhillon.

Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out.

One of the key mandates of the college is to empower students to find a good job and keep it. However, you talked about skilled students and the skills that employers were needing from the colleges. Did you see co-operation between business and the colleges as far as getting together and developing the skills that were actually required for jobs?

Mr. Paul Pastirik: You know, it's a really good question. I definitely saw that continuing to increase on an ongoing basis, and I think industry, because of the fact that there were some difficulties in acquiring some of those skills, was working a lot harder to partner with the colleges, and universities too, to almost develop a bit of an exclusive recruitment opportunity with some of the students. Again, my experience has been on the technology side of the business, but I think the opportunity for partnerships is continuing to grow.

Mr. Jim McDonell: Maybe being on the employer side, it was hard to see, but did you see that there might have been a willingness for the colleges to move towards providing the skills? Is the system rigid enough that they can't alter courses to tailor them to the needs of the public, or do you see recommendations towards it that may make that easier?

Mr. Paul Pastirik: I saw, again, more and more over time where a lot of the programs were being developed and altered, and I'll use a really good example of

particularly areas supported by technology, with all the changes in technology and the way of working today and how that's developed, even over the last 10 years. I did feel that the colleges and universities were developing programs to try to respond to that, but again there were always opportunities. I think the more communication and the more there was a partnership between industry and colleges and universities, the more successful that would be.

Mr. Jim McDonell: I know we have a call centre that's trying to open up and actually expand in my riding. Some of the courses—they take their—I wanted to say “students”—applicants and put them through a rigorous training process. It's one of the few apprenticeship programs that don't qualify for government training. It has been dropped from some of the benefits they would receive that way. You have students that are trained more hours in a call centre than they would be in a college but don't receive any credit for it. It's kind of a sign of maybe the industry getting ahead of the college programs and not getting credit.

In your experience, Mohawk—where do you see being able to assess some of the skills required? How would you take that program? It's always a challenge to make sure you're ahead of the industry and not vice versa.

Mr. Paul Pastirik: I think for me, when I join the board of governors of Mohawk College, I'll get a better understanding of the various programs that they offer. I'm sure that will obviously be a topic of discussion because of the fact that there is a mandate to grow the college and to develop programs so that they can make sure that they're supporting what industry is requiring. So I think—

Mr. Jim McDonell: I know that locally, or at least my understanding of it is that at St. Lawrence College, for instance, there is demand for certain programs but they're not able to teach those programs. They have to get approvals. Colleges tend to be suited to an area and serving the community. If you don't have those courses available there, it forces students to travel. It can be a problem.

What are the biggest challenges for young people entering the industries that you're familiar with and how would you see the colleges addressing those?

Mr. Paul Pastirik: One of the things that I think colleges can do, and for me to see it happen in the future, is again in the development of more practical skills, skills very specific to what an industry requires. Again, there are a lot of changes, and I'll use construction as an example. There are lots of changes that have occurred in the last five to 10 years with supported technology and equipment and things like that that, again, I think the opportunity to continue to develop and support an industry like that with changes in technology and new methods and ways of doing things will really, really help.

The Chair (Mr. John Fraser): Thank you. Mr. Pettapiece?

Mr. Randy Pettapiece: Yes, thanks. This is very interesting. I have three sons, all in trades. I remember

that my second son was complaining about taking math. He was very good at it; he didn't have to study. He took calculus and all this stuff, but he wanted to have a certain trade. “What's that going to do for me?” Well, when he got there, he figured out what it was going to do for him, because he has used it ever since.

What I'm getting at is, some of the schools in my area have started actually pre-selecting or pre-training kids in high school. If they think they want to be an apprentice or an electrician or something like that, they get work in that area. If the child figures out they don't want to be an electrician and they'd rather be a carpenter, at least they're not taking a community college course and wasting that money, is what's going on. I think that's something the community colleges—I don't know how involved they are in that, but it's something that they can work on with the public school sector. I would think that would be a good fit.

Mr. Paul Pastirik: That's a really good point. One of the things that we were doing when I was at Aecon is we were going out and making presentations on opportunities and the kind of work that we did at the high schools to get them to start thinking about that. Often, I think, people who are in high school are thinking about going to university, and I think now, to look at potentially entering the construction industry, think about those trades—we spend a fair bit of time starting to plant those seeds at that time.

Mr. Randy Pettapiece: I have two factories in my riding that are both seeking—together—over 100 people right now for growth. That's how they're growing. Right now they are busing people in from the city to fill some of the jobs they have already.

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Most of them are factory-type jobs, just labour-type jobs, but there are trades involved too. They need people who are pipefitters, sheet metal workers, whatever else, and they can't find these people so they have to keep going farther and farther out from where we're located, in order to find people—and they have to offer them some pretty good incentives—to come and work in their factories. This is what we're facing right now in the riding I'm in. I guess we're in a good position, because a lot of ridings are the other way where they don't have jobs for the amount of people they have. We're the other way.

I think it's important. I've seen too often that the incentive hasn't been there to work together. My one son, when he went to community college, was going to buy some books from somebody who had been to another college—but it was the same course—and they wouldn't let him do that at the other college, because the other college wanted to use their books, although they said the same thing.

There are things like this that go on that maybe can be addressed in the community college system to make it more affordable, and certainly to get kids pointed in the right direction before they get too far into things.

Mr. Paul Pastirik: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Mr. Gates?

Mr. Wayne Gates: Good afternoon again.

Mr. Paul Pastirik: Good afternoon.

Mr. Wayne Gates: Just picking up on some of the stuff you've already said: I actually think that in the province of Ontario we have lots of talent but we don't give them the opportunity. In the province of Ontario, over the course of a number of years, we've seen a lot of schools closed.

When I was in school—now that's going back a ways—my memory that I recall is we used to have what we called a tech course where in the schools you take woodworking, machine shop, welding, electricity, and that really got young people, both male and female, into thinking about the trades.

As we close schools and sell the schools off for development, what I've been talking about in my riding is: Why would we not keep the schools open—we already have the infrastructure there—and actually open the schools up as a training facility for the trades?

Everywhere I go—whether it's accurate or not, but I'd have to say it is—they say that we're going to need more skilled trades; we're going to have to be more high-tech for the jobs of the future. It would make sense to me, so why don't we do that?

I'd just like to hear your opinion on that: whether it's a good idea, or a bad idea, particularly since we already have all of the infrastructure in place to do it.

Mr. Paul Pastirik: It's a little bit of a difficult question to answer but I do think where there are opportunities to provide education and development for students, whether it's at a college or a high school, or whatever the requirements are of an area or of a skill, it should be developed. It helps industry improve, respond and grow. It also helps various people to get jobs and develop careers.

Mr. Wayne Gates: I don't know a lot about your college, Mohawk, and I apologize for that, but I certainly know a lot about Niagara College, which is similar. It's in my riding of Niagara Falls. What they've done at Niagara College, as it's grown in leaps and bounds, is, they've taken a look at the jobs in the area and jobs of the future. We've got a big influx of craft breweries in Niagara-on-the-Lake, Ridgeway, Niagara Falls, and they have courses there that teach them how to brew the beer.

When people look at craft brewers, they think of minimum wage; they think of jobs that aren't that skilled or well-paying. Well, what we're finding out is that they're actually well-paying jobs, and a lot of them who are going through the craft brewing courses are now opening up their own craft breweries and becoming entrepreneurs.

I see that in winemaking. Wine continues to grow right across the Niagara region, so Niagara colleges now have winemakers—some of the best in the world—and they're producing their own wine, by the way, and winning awards all over the world. It goes from the tourist sector to chefs. Chefs—people may think it's minimum wage, but good chefs can make a lot of money.

I'm seeing that at Niagara College, and I think that's a step that we should take. As you talk about the resources being limited, how we spend the money, how we give these students the opportunity to—it's one thing to say, "I've got a diploma at a college." It's another thing to say, "I've got a diploma and I'm actually going to a job." A lot of these things have 100% placement rates. I think that's one of the things that we should do in the colleges. I would just like to hear whether Mohawk does something similar, because I don't know. I apologize for that.

Mr. Paul Pastirik: No, that's interesting. I grew up in Welland, so I know all about everything that has gone on down in Niagara, how industry has changed and what's developed down in Niagara now, and what it used to be. I certainly understand some of the dynamics in Hamilton. The Hamilton area has certainly been something that has experienced a lot of change, with many of the plants and mills closing down.

One of the things that Mohawk College has been doing is developing a number of programs. There's a lot more around programs like lab technicians in the medical industry, for example, that have developed and maybe, in the long term, will replace a lot of the jobs and a lot of the opportunities in the Hamilton area in the very same way. Certainly with Mohawk College, they've done something similar where they're seeing a big change in the requirements in that part of Ontario and surrounding areas, and are developing programs accordingly, very similar to what Niagara College has done.

Mr. Wayne Gates: Outside the skilled trades, I think that there are some real opportunities for us over the next 15, 20 years. Health care is another one that I think that we should be taking a serious look at. It's pretty clear that we're all going to get older and we're all going to live longer—some of those challenges in health care. I think that that's where some really good-paying jobs are going to be in the future, as well.

The college has been successful in balancing its budgets and running surpluses. In your opinion, where should this money be invested?

Mr. Paul Pastirik: Mr. Gates, I guess that there are a lot of different areas that could be invested in. One that I would think, though, is in the continued development of programs, especially if there are opportunities to develop programs or in new areas where the requirements are there. So I think that program development is really important. To me, if you want to stay ahead of the curve and you want to make sure that there's an opportunity for students to learn and help to develop and learn more about the future, I would say that program development is probably the greatest area where a surplus could be spent.

Mr. Wayne Gates: How am I going for time? Am I okay? About seven to eight minutes?

The Chair (Mr. John Fraser): You have about four minutes left.

Mr. Wayne Gates: Should Mohawk—actually, my colleagues talked a little bit about it—continue to pursue closer relationships with businesses or should it focus on

developing more independent programs? Because you coming out of the business sector is something that I think we should do a lot more of, particularly industry going into schools.

Mr. Paul Pastirik: My opinion is to continue to develop more relationships with business because I think that it can then become more of a two-way street in terms of the development of programs and development of what's required by industry where jobs are created. I really think that works well. Again, I will draw on my experience from Aecon, with the schools where they had some of those types of relationships. You've got an opportunity to recruit, but also to help develop what was required by the business.

Mr. Wayne Gates: This is the other one: Do you have any idea of the time commitment that would be required?

Mr. Paul Pastirik: Yes, I do. I would ensure that I certainly would have the time to be available for Mohawk. I would also ensure with any of the responsibilities that I have, right up front, that my calendars aren't going to conflict.

Mr. Wayne Gates: Yes, because if there's one thing about when you're on a board that certainly involves young people, it's that it keeps us young. There's a lot of energy. It's lots of fun. It's actually nice to watch them grow up.

Mr. Paul Pastirik: Yes, absolutely.

Mr. Wayne Gates: You saw that obviously with your boys.

Mr. Paul Pastirik: Yes.

Mr. Wayne Gates: You have three boys; I have three girls. So there you go. Thanks very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Mr. Wayne Gates: My pleasure.

The Chair (Mr. John Fraser): Thank you, Mr. Pastirik, for being here today. We'll consider the concurrences at the end of the day. You may step down.

Mr. Paul Pastirik: Thank you very much.

MR. BRYAN DAVIES

Review of intended appointment, selected by third party: Bryan Davies, intended appointee as member, Metrolinx.

The Chair (Mr. John Fraser): Our next intended appointee is Bryan Davies, member, Metrolinx. Mr. Davies, can you please come forward?

Mr. Davies, thank you very much for being here today. You'll have the opportunity to make a brief statement. Any time that you use will be taken from the government's opportunity to take questions. You'll be asked questions by members of all three parties. You may begin.

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Mr. Bryan Davies: Thank you, Mr. Chair, and I will be brief. I really welcome this opportunity to appear before this committee, and was honoured to have been proposed as an appointee to the board of Metrolinx.

Effective and efficient execution of the mandate assigned to that crown agency is critical to the future of this province, in my view. I would like to apply my experience in public policy and public administration, complemented by my experience in the private sector, to assisting Metrolinx in delivering on the objects laid out in section 5 of its enabling legislation.

The challenges of providing leadership in the planning, coordinating, financing and implementing of an integrated transportation network, as well as operating a regional transit system, demand effective oversight provided by a well-constituted board of directors.

I feel that my governance expertise, gained by having served on a variety of boards, including those in the private, public and not-for-profit sectors, will contribute to the effectiveness of the Metrolinx board. As well, I believe my appreciation of what I would call the somewhat unique characteristics of operating in a public sector environment, gained as a deputy minister, as head of a regulatory commission and as a board member on a number of agencies, boards and commissions at both the federal and provincial levels will complement and supplement the experience of other members of the Metrolinx board.

With that, I look forward to addressing any questions you might have of me.

The Chair (Mr. John Fraser): Thank you very much, Mr. Davies. Mr. McDonell.

Mr. Jim McDonell: Thank you for appearing today. Mr. Davies, thank you for your years of dedicated service to the Canadian and Ontario public.

You've led agencies tasked with preserving public confidence in the financial system. Could you describe the basic best practices in government finance and financial regulation?

Mr. Bryan Davies: Sorry, the best practices in financial regulation?

Mr. Jim McDonell: Yes.

Mr. Bryan Davies: I'm not sure how that directly relates to Metrolinx, but first of all, I do believe that there is a role for government in providing regulatory oversight of financial institutions. I think it's critical. I think it's also critical that financial institutions have practices and a leadership that recognizes the importance that they play in our economy, and therefore the responsibilities they carry. I've worked on both sides: I worked at Royal Bank for a number of years and I've worked as a regulator for more years than that. In both cases, I saw it as the responsibility of both bodies to make sure that they operated effectively and fairly.

Mr. Jim McDonell: I see that Metrolinx is involved with more than two dozen municipalities, so it serves a large area around the province—just around Toronto alone, let alone the other areas it services. So it's tasked with leading the design and implementation of a transport plan that certainly has various issues to contend with, and, I'm sure, various opinions. Can you tell us ways that you achieved compromise and consensus in your past roles, and how you would bring that into this job here,

where you're dealing with so many different municipalities?

Mr. Bryan Davies: Yes. I guess I'd hearken back to when I used to grace this room with far too much frequency as a deputy minister. I was a deputy treasurer, deputy minister of economics. The nature of that work and the other deputy positions I held involved dealing with a lot of municipalities. When I was a deputy of housing, that's all I dealt with, essentially: municipalities. I think the key there is to be inclusive and to consult with all stakeholders, particularly with municipalities, on transportation. As a board member of Metrolinx, one of the oversight responsibilities I would take seriously is to make sure that whatever policy advice was being generated by Metrolinx was informed by a very thorough stakeholder investigation and representation.

Mr. Jim McDonell: The greater Toronto area is made up of numerous transit systems. Do you see a benefit of bringing that under one roof? You don't have to go very far before you hear people talk about the gridlock in this area. Can the existing system work? Or can you bring these together and actually have them work well as a unit? Or do you see having to somehow bring us under one roof?

Mr. Bryan Davies: I'm not sure you have to physically have it under one roof, but you certainly need a coordinating mechanism. I believe that's what Metrolinx was set up to do in 2006 and what it has been achieving. I think that, as I said in my opening remarks, this is critical to the future of the province. By that, I mean the broader issue of public transit, because it addresses so many of the issues that we and our successors are going to have to deal with, including the environment. That's why I was excited to be asked to serve on the Metrolinx board. I really believe in it, and I believe in it passionately: that we do need more public transit—more effective public transit, as well.

So to answer your question, I'm somewhat agnostic as to the organizational structure. What I am not agnostic about is the critical feature of having any of the units involved work together to avoid duplication and to integrate so you can get a fairly seamless transit system going.

Mr. Jim McDonell: I'm trying to think of the costing system they put in place. It was certainly not without a lot of controversy and cost overruns, putting it in place to have a seamless card system allowing you to travel through the system. But it's an example of projects that are sometimes undertaken by the public sector where there are, in many cases, an off-the-shelf or a system that's working in other places around the world. I think if you're in industry, you look around for something that works and you usually try to buy that same service. Going back and going through the same developmental issues as starting from scratch is prone to failure, prone to cost overruns. Any comment on that?

Mr. Bryan Davies: I guess, in the generic sense, this "buy versus build" issue comes up in a lot of industries. I don't know the history of the Presto story, of why it was

decided to do an in-house build. All I do know now is that we do have Presto, and the key is to make it work as effectively as possible, regardless of the historic slips, if there were any. I'm not so certain there were. I have read about overruns and some dissatisfaction, particularly in the Ottawa region, I believe. There were some implementation issues. But the more general issue of "Should you build or buy?" has to be considered on its own merit. Each case has to be considered on its own merits.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: It's interesting. We're dealing with Metrolinx a couple of times today. I'm going to ask you the same question that I asked the previous person who was here to talk about Metrolinx. I brought a delegation down to Queen's Park a couple of months ago. It was the mayor of Stratford and a couple of representatives from St. Marys. I come from the Stratford area. It was to talk about Metrolinx. We are being cut off from our train service shortly. Via Rail goes through there. They're shutting it down.

We brought the delegation down to Queen's Park because the Premier had said the previous year that this was a priority for her, that the GO system should be expanded. Now, I can understand why they would want to get the GTA looked after because—certainly, you can understand that. But they're cutting off rural Ontario. That's what's going on right now.

Unfortunately, when the Premier said this, it was during an election campaign, and we know what happens there sometimes. But when you say it's important to the prosperity of the province, the province includes more than the GTA; it includes all of Ontario.

So I wonder, sir, if you have any visions other than the GTA for the future of Metrolinx.

Mr. Bryan Davies: As I understand it, Metrolinx—my read of the Metrolinx Act—requires that it produce a plan and then it review it at least every 10 years, so that regional transit plan review is due to be done in the next 12 to 18 months.

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My observation on that—I should betray a bias. I came down this morning from Peterborough. I came down by way of GO bus first, and then GO train. That area is well served right now. It used to be served by a CP Rail line that went up to Havelock. That was quite honestly, for me, a much more convenient service because it was a direct non-stop. You didn't have to switch at Oshawa and so on. I was involved in public administration at the provincial level at the time and there was a lot of representation from the Peterborough area, and there still is. There still is a call for the reinstatement of train service from Toronto to Peterborough.

My counsel to my colleagues in the Peterborough area, with whom I have a lot of interaction, is to take advantage of this regional transit review that has to occur under statute in the next year and make representations. One of the things I've been impressed by in meeting with the Metrolinx staff I've met with already is their dedication to what they call evidence-based data. They

want to bring forward the best plan based on facts, not hearsay or anything else; and if a case can be made for better service to areas that aren't currently serviced, and the government in its wisdom feels that the Metrolinx mandate should be expanded beyond its current geographic boundaries, then if the case is made, certainly I believe, as a board member of Metrolinx, I'll want to make sure that it's at least heard by government.

Governments eventually make the final decision on these matters, but part of Metrolinx's job is to provide the best objective, independent, evidence-based advice it can.

The Chair (Mr. John Fraser): Thank you very much. Mr. Gates.

Mr. Wayne Gates: I have a couple of things before I get into Metrolinx. It says here you worked at the Royal Bank?

Mr. Bryan Davies: I did.

Mr. Wayne Gates: Are you the one who upped the fees at the Royal Bank?

Laughter.

Mr. Wayne Gates: I just thought I'd throw that out there.

The other thing is that in your role with the government you talked about municipalities and housing. I think you were there from 1975 to 1992, and here we are in 2015 and one of the biggest crises we have is in affordable housing. We just can't seem to get that file right, for whatever reason. I know it's off the subject a bit, but because you raised it, I thought I'd say it.

Do you have a Presto card?

Mr. Bryan Davies: I do; I've got it right here.

Mr. Wayne Gates: I knew that.

Mr. Bryan Davies: Because I use it.

Mr. Wayne Gates: And I think that's good.

How do you imagine your role as a representative of public interest? What do you think your role would be?

Mr. Bryan Davies: I think, Mr. Gates, as I said earlier, part of the job of a board is to ensure that the best information is brought forward. My experience in every business I've been in, and I've been in more than one, is that you get the best experience by asking a lot of people to have input. The first thing I think is that how you get the best ideas is to make sure that you publicize what you're reviewing and ask for input.

Mr. Wayne Gates: This is a question that you touched on a little bit, but maybe you could touch on it again or even further. Do you believe it is Metrolinx's role to offer evidence-based advice to the government, even when it contradicts the government's political position?

Mr. Bryan Davies: Well, I think you have to stand back. Metrolinx has to operate within the framework given to it by the government. The government does have its own plans and operations, so if it decides that a certain thing is going to be done and doesn't want evidence-based information, we won't even go there to find it. However, if we're given a blank sheet of paper, I feel it's incumbent upon us to bring forward our best advice possible. Having worked in government, I know that the

best advice from a specialized agency with a specialized perspective may not always be accepted because governments by their nature have to take into consideration other factors than just the technical merits brought forward by such an agency.

To answer your question very directly, I think if it's within our scope to give advice, we should give it, completely biased, unvarnished, without fear or favour.

Mr. Wayne Gates: Some of the decisions probably are based on getting elected, too. That's kind of like the nature of the beast as well.

Mr. Bryan Davies: Fortunately, the board doesn't have to get elected—

Mr. Wayne Gates: No, I know that. I'm just saying, the role of the government will be, we'll look at it—

Mr. Bryan Davies: You're the legislators in the room. You know what—

Mr. Wayne Gates: I think it's an important question, that the buck doesn't stop at Metrolinx.

Mr. Bryan Davies: Fortunately.

Mr. Wayne Gates: I'm just saying that it doesn't.

What experience do you bring that you believe will make you a champion for transit riders?

Mr. Bryan Davies: Champion? That's a pretty bold objective, but certainly as a regular user—and I am—I think customer service is really, really important.

I've been impressed, by the way, with GO. I don't want to denigrate other transit that I do use, but if you've ridden the GO train on the Lakeshore, they have customer service representatives right on board who are there—a live, real person. That really surprised me when I first got on the trains.

If you've had an opportunity to use UP Express, which I have a number of times, going out to Pearson, it has really got a customer focus. As a board member, I will ask a lot of questions: Are we keeping that up? Are we focused on the customer? I think the best thing a board member can do is keep asking.

Mr. Wayne Gates: I will say that I think your comment about public transit and the environment, and I can tell you—I don't know you, sir, but from what I've read you seem pretty good. You seem to really feel strongly about protecting our environment. Is that a pretty accurate statement?

Mr. Bryan Davies: Yes, I would say so. I would like it to be around for the future.

Mr. Wayne Gates: To that point, I believe that transit is one of the most important decisions on a go-forward basis. Some of it obviously has to do with the environment, and I agree that we have to get there. We may disagree on how we get there, on transit, how it's funded and some of the other stuff, but we have to do it. We cannot continue to live in a province where you can't drive from Toronto to Niagara in less than three hours, when people are trying to get trucks to factories to protect jobs and stuff. We've got to do it. Maybe we disagree on how we have to get there.

But I certainly appreciate the fact that you're willing to take this on. I think you'll be a good member on that

board. I think you have a lot of knowledge and I really like the fact that you do what you say we need to do: That's to take GO and to take public transit and regional transit, because that is our future.

Mr. Bryan Davies: Thank you.

The Chair (Mr. John Fraser): Mr. Gates, thank you very much.

Mr. Wayne Gates: I'm good, thanks.

The Chair (Mr. John Fraser): Madame Lalonde?

Mrs. Marie-France Lalonde: First of all, I want to say thank you very much for being here. Thank you for your years as a public servant and everything now moving forward, I guess, in hopes of continuing volunteering on boards. I want to commend that.

You touched base on a few aspects of your particular interest in becoming a board member with Metrolinx. I would like to ask you the question: What are your interests? Why?

Mr. Bryan Davies: I guess having helped write a number of budgets in this province—I do read budgets; I must be a very boring person, but I do read them. You couldn't miss in the last budget that that was the centrepiece: public transit. It's fun to be part of an exciting project, to really spend a huge amount of money.

Governments have to make really tough choices. They have to make choices about what to spend it on and how to fund it. I won't worry about the how to fund it; there could be big debates on that. But, as Mr. Gates has just suggested, I think we're all in favour of spending it on public transit. What I want to make sure is that I do my level best to make sure that we get real value for money from that spend.

We're talking big bucks here. The last budget committed over \$16 billion. I've been involved in a lot of big capital expenditure programs in the various boards I've been on, but nothing approaches \$16 billion. That's a lot of money.

I think where I can make a contribution and why I'd like to make a contribution is to bring my experience on having overseen risk management on a lot of major projects, to make sure that that's done as effectively as possible—because there are lots of ways to make mistakes. It has been suggested that maybe some mistakes were made in the past on the Presto card. There may or may not have been, but going forward, I see it as part of my duty as a board member to do my level best to make sure that we get real value for money from that expenditure that the province has committed.

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Mrs. Marie-France Lalonde: I agree with you that it's a bold figure, and I think this is the commitment that we want to show Ontarians: that we're going to be moving Ontario forward.

Thank you for being here.

The Chair (Mr. John Fraser): Mr. Davies, thank you very much for appearing today. We'll be considering the concurrence at the end of the day today. You may sit down.

Mr. Bryan Davies: Thank you very much.

MS. VICTORIA CHRISTIE

Review of intended appointment, selected by official opposition party and third party: Victoria Christie, intended appointee as member, Ontario Energy Board.

The Chair (Mr. John Fraser): Our next intended appointee is Victoria Christie, member, Ontario Energy Board. Ms. Christie, can you come forward, please?

Good afternoon. Thank you very much for appearing today. You'll have the opportunity to make a brief statement. Any time that you use will be taken from the government's opportunity for questions. Members of all three parties will be asking you questions today. You may begin.

Ms. Victoria Christie: Thank you, Mr. Chairman. It's a pleasure to be here this afternoon. I'm just going to take a few minutes of your time to tell you who I am and why I'm interested in the OEB and how I hope to be a good fit with the organization.

Firstly, I have a bachelor of science and a master's degree in economics from Trent University and UBC, respectively, and I've largely been working on energy and environmental issues ever since.

Through most of the 1990s, I worked at BC Hydro. The majority of my time there was spent with the Power Smart program, which was relatively new and a leader of demand-side management and conservation programs in Canada. I was primarily charged with setting planning standards and guidelines, and conducting program economic, financial and design reviews. I also developed 20-year plans synthesizing the program forecasted costs and energy benefits for incorporation into the annual BC Hydro energy plan and other reports.

Following my time at Power Smart, I worked in the public affairs group, where I analyzed and communicated to the public the choices available to Vancouver Island residents to meet their electricity demand.

During the last year or so of my time at BC Hydro, I worked in the strategic fisheries department, where I analyzed the environmental, social and economic implications of operational changes to the John Hart dam, as an input to the Campbell River water use plan.

When I moved back to Ontario in 1997, I spent about five years as an independent consultant, focusing on analysis, planning and policy development for public and private sector organizations. In this capacity, I developed a number of environmental management systems for a variety of federal government departments, and the sustainable development strategy for the federal treasury board. Other work included conference development and analysis of a variety of fisheries, energy efficiency and air quality issues.

For the last two years of this consultancy period, I was fully engaged by the Canadian Electricity Association, and later hired as an employee. The CEA is an association of companies that generate, transmit and distribute electricity across the country. As a senior adviser on generation and environmental affairs, I was the key CEA resource for a broad spectrum of issues including climate

change and other air issues. I coordinated, advised and provided governance support to CEA committees in modelling and analysis, strategic policy and regulatory development, communications, and government relations. I also represented the sector and often the broader industry community interests on numerous multi-stakeholder committees to address key environmental and energy-related issues.

After leaving the CEA, I've once again been working as a consultant specializing in providing advice on environment and energy issues to government, private and non-profit sectors. This work has included research and analysis of thermal electricity generation water use issues, and hazardous substance releases and management.

In addition to my knowledge of the energy sector and experience across the broad set of energy and environmental issues, I bring a skill set that I think will be useful to the OEB. As an accomplished problem solver, I'm able to get to the crux of an issue, chart out pathways to effective solutions, and to package and present that information in succinct, digestible formats.

I also have over 10 years of collaborating and engaging with a broad spectrum of government, industry and other stakeholders. I've learned to listen, identify stakeholders, recognize unique roles, and promote dialogue and representation in a fair and unbiased manner.

I applied for the OEB board position with an interest in putting my knowledge, experience and skills to use in a practical, perhaps more direct, way. It's a very interesting time to be involved in the energy sector and I would very much welcome the opportunity to play a role at the OEB in ensuring that their mandate is carried out. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Christie. Mr. Gates.

Mr. Wayne Gates: Really?

The Chair (Mr. John Fraser): Yes.

Mr. Wayne Gates: Good afternoon. How are you?

Ms. Victoria Christie: I am well, thank you.

Mr. Wayne Gates: Very good.

It says you're an energy consultant who lobbied for the Canadian Electricity Association. Can you explain what that is, like what you did?

Ms. Victoria Christie: Well, I always think that "lobbying" is kind of a strong word for what I did, but at the electricity association I worked on environmental issues for the most part, and was engaged in the development of federal regulations and policy. So I would help the electricity industry members put together and work with other stakeholders to help formulate and develop policies and regulations. We would often work, as I mentioned in there, with multi-stakeholder groups and work with other stakeholders from across all paths.

Mr. Wayne Gates: So you'll be hearing applications from companies on whose behalf you have lobbied, if you're appointed. Do you feel there could be a conflict of interest?

Ms. Victoria Christie: No. I haven't worked with the CEA, the Canadian Electricity Association, for five years now, and with most of these companies I will have worked on federal issues and not provincial issues. I don't see a conflict.

Mr. Wayne Gates: Okay. So you don't directly benefit from the outcome of OEB decisions. That's correct?

Ms. Victoria Christie: No. That's correct.

Mr. Wayne Gates: But you'll be making decisions that would affect some of your friends and former associates in the energy industry. As a lobbyist, you must know that these personal contacts do make it easier to convey the interests of your clients to the decision-makers and perhaps influence government decisions. So do you understand why, as an electricity consumer myself, I might feel there is something of a conflict of interest?

Ms. Victoria Christie: Well, I don't think you'd need to be concerned about a conflict of interest. As I mentioned, I haven't worked with the electricity association for five years. I do have associates in a number of energy companies, but likewise, I haven't necessarily kept in touch with them. So I don't foresee there being any difficulties in that regard.

Mr. Wayne Gates: Okay. I'm just trying to get this clear. You have spent your entire career working on behalf of the energy industry. Is that relatively accurate?

Ms. Victoria Christie: No. I worked at BC Hydro for probably in and around nine years and then at the electricity association for around 10 years, and the rest were working for different clients.

Mr. Wayne Gates: But it was around the industry.

Ms. Victoria Christie: Around the industry, yes.

Mr. Wayne Gates: Okay. So you were in a culture—and you can correct me if I'm wrong; I have no problem with you saying that it's not accurate—that really viewed consumers as a source of revenue.

Ms. Victoria Christie: No, I wouldn't say that that was the case. Our industry, as the suppliers—the electricity industry, when I was working with them, were the suppliers of electricity to consumers, so consumers were an integral part of their companies and decision-making, and they took the role of consumers and their well-being very seriously.

Mr. Wayne Gates: But the industry and everybody that I talk to always view the consumer as a source of revenue. I think that's a fair statement. I think that's where they look at it. That's my opinion; I'm not saying I'm right.

Ms. Victoria Christie: Okay.

Mr. Wayne Gates: I guess it's hard to understand how people from Ontario would see what you've done and would believe that you would fulfill your OEB mandate to protect the interests of consumers, because that's what I think you should do. I think it's really tough to balance the two over the course of a long period of time working with, it's not nice to say, but certainly, other stakeholders.

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Ms. Victoria Christie: Well, I look forward to the opportunity to work with stakeholders. As I mentioned, I've done that over my career, and certainly with my career at CEA I worked with a wide collection of stakeholders, including consumers and various assorted other stakeholders, collaboratively. I look forward to doing that again at the OEB.

Mr. Wayne Gates: I appreciate it. Thank you.

The Chair (Mr. John Fraser): Mr. Ballard.

Mr. Chris Ballard: Thank you very much for coming forward and putting your name forward and being here today. It's been a very interesting day as people have come forward to talk a little bit about themselves and why they are suited for the positions that they're putting themselves forward for.

Just a brief comment to begin with: I once, in a past life, was executive director of the Consumers' Association of Canada here in Ontario. We had 60,000 members that we advocated on behalf of. I always recall that some of the best recruits, some of the most passionate consumer advocates we had, were people who had left an industry or retired from an industry, because they knew it inside out. They were at the table on our behalf to advocate on behalf of consumers, so I don't have those same suspicions. I think that if you know the industry, you know the industry, and you're putting your name forward because you know what needs to be done and you're going to do it on behalf of all consumers.

So as I said, I was pleased to see about your extensive experience in the energy sector. I'm interested in knowing, just to change speed a little bit, why you think an environmental perspective is important when making decisions and rulings in the energy sector.

Ms. Victoria Christie: I think environment is one of a number of key factors that you have to consider, others being things like economic and social components. The environment, as we all know, is critically important to sustaining us into the future—sustainable development. I hope that I'll be able to bring some of the knowledge that I have on the environment side to some of the views and the way that we're looking at things at the OEB going forward.

Mr. Chris Ballard: Thank you.

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: In the 2014 Auditor General's report, they talked about the province's smart metering initiative. I guess you have some experience in that. While the concern was the lack of planning and cost overruns generally, the auditor made several recommendations concerning the OEB: "The Ministry of Energy should ... review the role of the Ontario Energy Board as an independent regulator when ministerial directives" are issued that impact rates.

What would your comment be to that? You have a commissioner, an agency that has brought a lot of expertise together, but you're forced to deal with policies that I would expect you know artificially raise rates to a point where we're not competitive, but you have to

accept those. Is there a role to be playing that might be an adviser to the government?

Ms. Victoria Christie: I wasn't directly engaged in those sorts of discussions. As I'm not a member of the board yet, I won't comment on that here. I look forward to potentially looking into those issues as we move forward.

Mr. Jim McDonell: Well, I think it's the Auditor General at the time commenting that basically, you have an agency here and they could have a role where they could provide advice back to the ministry. I guess just asking for comment: Do you agree with that scenario?

Ms. Victoria Christie: I'm afraid I don't know enough about the specifics of the decision-making there. If it comes before the board and I'm a member at that time, I'll look at it then.

Mr. Jim McDonell: Okay. You worked with BC Hydro on the smart metering program, which gives consumers a cash incentive if they reduce consumption. Recent reports highlight that BC Hydro is not meeting the conservation targets. Can you comment on why, or some of the possible reasons for it?

Ms. Victoria Christie: Sorry, I didn't hear your question.

Mr. Jim McDonell: BC Hydro and their smart metering program: It was an initiative to increase conservation, but they weren't meeting their targets. From your role, do you have an idea of why that might be, why they're not meeting targets?

Ms. Victoria Christie: I don't. I'm afraid that I don't know enough about the specifics. Sorry.

Mr. Jim McDonell: The board sets certain electricity rates, but it has no control over the government's overpayment to solar and wind producers, the cost of which is just passed on to the ratepayers. Many of my constituents can't afford to keep up with the rising cost of hydro. What recourse do unwilling host communities have with the OEB? Any comments on that?

Ms. Victoria Christie: My understanding is that the OEB looks at individual rate applications as they go forward, and as a member of the board, at that time, I would have to look at all of the puts and takes or the pluses and minuses collectively with my colleagues on what would be appropriate rates. I can't comment on that now.

Mr. Jim McDonell: I see that the OEB is forced to review the costs that are coming in. For example, we have a couple of wind turbine projects in my area where they're going back to municipalities and offering, in addition to the property tax, which is somewhere around \$150,000 annually, \$450,000 annually back to the township if they become a willing host; zero if they don't.

My fear is that these are big amounts of money that are going back to the municipalities, and I guess that's the good news. The bad-news part of it is that the local ratepayers are paying the costs. We've seen now that industries such as the car plants and associations are coming back and saying that, I believe, we're about 33% higher than they are in Michigan at this point. The

government is announcing or forecasting that rates will go up 42% in the next five-year period. So we see those rates going up significantly.

I wonder just how much the role of the economics of this province was really included in these decisions on the Green Energy Act, because it's pricing us out of the market. We're seeing manufacturing disappearing not to China but to our neighbours to the south. Would you see any role for the energy board in trying to come up with a solution, maybe providing feedback to the government on possible ways of fixing this issue?

Ms. Victoria Christie: Again, I really can't comment on that. I look forward to those issues if they come up at the board and we're asked collectively to provide some comment or feedback on that policy. I could see the OEB doing that, but I can't say whether that would happen or whether I would be engaged in such a conversation.

Mr. Jim McDonell: Well, I know that in my time here I have seen many agencies—Professional Engineers Ontario as an example—provide feedback to the government, that this program was going to cost a lot of money, cost the ratepayers of Ontario a lot of money. Of course, it was ignored, and now we're seeing the results.

Mr. Randy Pettapiece: Just one short question, Chair.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: Do you know what an unwilling host is?

Ms. Victoria Christie: Pardon me?

Mr. Randy Pettapiece: Do you know what an unwilling host is?

Ms. Victoria Christie: I believe that I've heard the term before, yes.

Mr. Randy Pettapiece: I'm sorry?

Ms. Victoria Christie: I said that I believe I have heard the term before, yes.

Mr. Randy Pettapiece: Do you know what it is?

Ms. Victoria Christie: I believe so. The term, I think, is used for people who are not happy to have a certain generation or a certain kind of facility placed in their jurisdiction. I'm not sure whether that's the definition that you were looking for.

Mr. Randy Pettapiece: It's pretty much directly pointed toward wind turbines and big solar projects that have a tendency to cover farms up. So that's what an unwilling host is. Just for your information, that's what you're going to be hearing about.

Ms. Victoria Christie: Okay. Thank you.

Mr. Randy Pettapiece: Thanks.

The Chair (Mr. John Fraser): Thanks, Mr. Pettapiece.

Thank you very much for being here today, Ms. Christie. We will be considering the concurrences for our appointments at the end of the day. Thanks again for being here. You may step down.

Ms. Victoria Christie: Thank you very much.

MR. MARK MASCARENHAS

Review of intended appointment, selected by official opposition party: Mark Mascarenhas, intended appointee as member, Social Benefits Tribunal.

The Chair (Mr. John Fraser): Our next intended appointment is Mark Mascarenhas. He is nominated as a member of the Social Benefits Tribunal. Mr. Mascarenhas, please step forward. I hope that I have not butchered your name.

Mr. Mark Mascarenhas: No, you haven't. You said it very well.

The Chair (Mr. John Fraser): Thank you very much for being here today. You have the opportunity to make a brief presentation. Any time that you use will be taken from the government's time for questions. Each party will have an opportunity to ask you questions today, and you're welcome to begin.

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Mr. Mark Mascarenhas: Good afternoon, Chair, and members of the standing committee. Thank you for this opportunity to share with you my background and interest in being appointed a member of the Social Benefits Tribunal.

For someone like me, who has spent well over three decades in public service, it would be an honour and privilege to be able to continue to serve the people of Ontario in this new capacity.

When I graduated with an honours degree in economics from the University of Sussex in England in 1979, little did I anticipate that I would go on to spend the greater part of my career working in all three levels of government in Canada. Beginning with the Northwest Territories government in 1981 in the far reaches of the Arctic, I next moved to the federal level with Canada Mortgage and Housing Corp. as a program officer and program manager for social housing, then to the Ontario Ministry of Housing as a senior program administrator, the city of Hamilton in various capacities in the building, social services and housing departments as general manager, director and CEO, and now the city of Toronto as a social housing consultant. I also had the gratifying experience of working for the Honourable John Gerretsen, in the four years from 2004 to 2007, when he was Minister of Municipal Affairs and Housing. I was his special policy adviser for housing and infrastructure.

My main focus in all these positions has been affordable housing. I am particularly proud to say that directly and indirectly I have developed thousands of affordable housing units in southern Ontario. I also directed services such as homelessness programs, hostels and shelters, the administration of social housing, property management, and urban development loans and grants programs.

Through my work I attained hands-on, functional knowledge and skills in many areas that would be of value at the Social Benefits Tribunal such as: negotiations, mediation and arbitration, interpreting legislation, social assistance law, procedural fairness, conflict management, social policy, Ontario Works and ODSP.

Additionally, I have developed a keen sense of the needs of people from diverse and marginalized communities and the challenges they face.

I share in the fundamental belief that as a tribunal member one must always be fair and impartial, and treat people with respect, courtesy and compassion. I also have the ability to apply critical and analytical thinking that considers various aspects of a problem or situation, looking for facts and evidence to form and support conclusions.

Another quality I have is the ability to make decisions expeditiously and provide reasons in writing with clarity, conciseness and coherence so that they are easily understood.

In closing, I can continue to have a fruitful career only because of the unstinting support of my wife Clarerose, who has a career of her own as an elementary school teacher. Our two daughters have both graduated from university and are in the working world. Thus, I find I can dedicate myself full-time to the tribunal.

I live in Stoney Creek, and I understand that if I am appointed, my home base could possibly be the tribunal's office in Hamilton, covering the Haldimand-Norfolk, Hamilton, Brant and Niagara regions. These are all areas familiar to me as I spent many years in the past working with communities in these regions.

Thank you for your attention, and I would be happy to respond to any questions you may have.

The Chair (Mr. John Fraser): Thank you very much for your presentation. Ms. Hoggarth?

Ms. Ann Hoggarth: Good afternoon, and thank you for your presentation.

It takes a special person to be involved. I know from constituent work that we get a lot of questions and concerns about this area and I would like to know if you have any experience with working with the Ontario Works Act.

Mr. Mark Mascarenhas: I do have some experience, in that many of the clients that we've dealt with over the past in affordable housing have been recipients of Ontario Works.

Currently with the city of Toronto we deal with many, many tenants who are on Ontario Works. One of the things I do is sit as chair and sometimes as a member of a review board that reviews appeals from tenants or households that have lost their rent-geared-to-income assistance. Many of these are people who are on Ontario Works or ODSP. We get these appeals; it's an adjudicative body. We go through the full appeal process and write decisions on them. Through that experience, I've attained a lot more knowledge about recipients of OW and ODSP.

Ms. Ann Hoggarth: Could you tell us what the interview process for this position involved?

Mr. Mark Mascarenhas: Of course, it's a very competitive and merit-based system. It involved, first, an application by myself. The interview was with the leadership of the tribunal. They interviewed me. There was a test I had to write, or sit, and after that, I guess

recommendations were made on the various appointments, and I was one of those.

Ms. Ann Hoggarth: There was a written component?

Mr. Mark Mascarenhas: There was a written component as well.

Ms. Ann Hoggarth: Great. Thank you very much, sir.

Mr. Mark Mascarenhas: You're welcome.

The Chair (Mr. John Fraser): Thank you, Ms. Hoggarth. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today.

From your housing experience in Hamilton, what are the greatest issues facing the supply of social and affordable housing in Ontario?

Mr. Mark Mascarenhas: Well, as you know, honourable member of the standing committee, there is a shortage of affordable housing, not just in Hamilton but across the province. The demand for this housing is great. Whatever housing is built is very quickly taken up. People's incomes haven't kept pace with the cost of housing, so I think there's always going to be an affordable housing problem in the short run unless we invest heavily in creating more supply.

I know that sometimes it's said that it isn't a supply problem, it's just an affordability problem, but I think it's a bit of both.

Mr. Jim McDonell: I see that the tribunal's backlog is almost 12,000 cases—close to a year's worth—and growing. In the last year, most cases have transitioned from being decided without a hearing to being decided at a hearing, with the average waiting time of nine months. Over half the appeals under the disability support program are granted, meaning that half of ODSP applicants were denied, but really had them overturned. So how do we prevent so many, I guess, wrongful denials in the system? You look at the cost of this. Half of them are being turned down that should have been accepted in the first place.

Mr. Mark Mascarenhas: I'm not totally familiar with the situation from that front end, but I believe that better training of people who work in OW and ODSP would help. There's a lot of stress in the system: the volume, perhaps a lack of staffing. The amount of money that's expended in the system maybe needs to be increased. There's just the volume of cases and the complexities of them. Of course, I think many of these cases involve health problems—issues like mental health. There are many rules in OW and ODSP that have to be adhered to, and these rules cause people to trip up and lose their assistance. I think that's part of it.

From my end—I'd be on the receiving end of these appeals—I would try to work as expeditiously as possible with these appeals and make the best decisions possible under the guidance of the tribunal leadership.

Mr. Jim McDonell: Well, certainly it is a big role to play and a big job, looking at the number of appeals and the cost of that. Erring back on the side of acceptance might be, overall, more satisfactory to the applicants as well as likely the most economical way of doing it.

Any comments on the running of the tribunal, from what you've seen, or any comments on the role that you're endeavouring to take?

Mr. Mark Mascarenhas: In my research of the tribunal, I'm very impressed with the way the tribunal is organized and the way it has attended to the enormous responsibilities it has. I have great confidence in the way it is designed. I have met, as I said earlier, the leadership of the tribunal. I'm very impressed with the whole operation. I think it has an enormous task to do and it's doing it very well, and I hope to add to its success.

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Mr. Jim McDonell: In your experience with the board, have you seen any groups left out of the system or being treated unfairly, maybe from their lack of education or from some—you talked about mental illness. Are there holes in the system that need to be repaired?

Mr. Mark Mascarenhas: Definitely. I think that we need to spend a lot more time and effort on dealing with people who have these challenges—mental health—or they may have language issues or cultural issues. We need to spend more time with them. We need to spend more money and try to have a preventive kind of approach to many of these problems, definitely.

Mr. Jim McDonell: Thank you.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: You were a housing consultant with the city of Toronto, responsible for oversight. There were a number of scandals that rocked the Toronto Community Housing Corp. Were you privy to any of the documentation with your duties as a consultant?

Mr. Mark Mascarenhas: No. That wasn't part of my portfolio, so I've really been out of that area. I'm not privy to any of that information.

Mr. Randy Pettapiece: You didn't have access to any of the—

Mr. Mark Mascarenhas: No.

Mr. Randy Pettapiece: —when this all happened. Okay.

I come from rural Ontario. We certainly don't have the demographics of what you have in the cities, where you have more ethnic groups, or larger ethnic groups; I should put it that way. A lot of the ethnic groups are represented in the riding; it's just that there are not that many of them. But we certainly have some of the issues that face the people in the cities that maybe don't make the headlines as much because of numbers, I guess, is what we're putting that way.

Have you travelled to rural Ontario, in your past experience, and investigated these types of things?

Mr. Mark Mascarenhas: Yes, I have. As I said earlier, I had the pleasure of working in areas like Haldimand-Norfolk, which is fairly rural. I've been to places like Long Point, where I was involved in developing a housing project and had to meet many members of the community, including a large section of a population from Mexico who were Mexican Mennonites. They were all mostly farmers. I worked with them to

develop some kind of social and housing infrastructure in Long Point and that area.

I have a great interest, as a matter of fact, in rural areas. They do have unique problems. Some of the solutions that we employ in cities may not be appropriate or pertinent to them, and we have to be innovative and think outside the box to come up with solutions that will work for them. In Long Point, we developed a housing project that was on-grade, one-floor plans—semis versus building a high-rise apartment, for instance.

Mr. Randy Pettapiece: One of the issues we face in rural Ontario—it's probably getting up to be one of the number one issues we're facing in rural Ontario—is transportation. Because of the way the farming situations have changed, you get larger and larger farms. You're tearing down these homes and whatever else. So if you are out in the country, transportation is an issue, and it's something that I think has to be addressed sooner than later. That's something you might consider if you're appointed to this position.

Mr. Mark Mascarenhas: Good. Thank you.

Mr. Randy Pettapiece: Thank you, Chair.

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Wayne Gates: How are you doing, sir?

Mr. Mark Mascarenhas: Good, thank you.

Mr. Wayne Gates: You talked a little bit about the Niagara region, that you've done some work down there. I'm obviously from the Niagara Falls riding. What have you done in Niagara?

Mr. Mark Mascarenhas: I have been involved with housing projects with Niagara Peninsula co-operative homes—Betty Ann Baker—an organization developing co-ops in Welland.

I developed a housing corporation in Dunnville. I guess Dunnville would be Haldimand-Norfolk.

Mr. Wayne Gates: Dunnville is not part of Niagara, but that's okay. The Mudcats are from there, though.

Mr. Mark Mascarenhas: That's right, so it's Welland, St. Catharines and Niagara Falls. This is going back at least 20 years, when I was with the Ontario ministry—a number of Dutch Reformed senior citizens' projects out in Vineland and places like that.

Mr. Wayne Gates: You've been around a long time in the role that you've tried to play for 30 years in all levels of government. We have a crisis in affordable housing. It used to be just basically young people starting out; today it's seniors. Obviously, we're doing something wrong on investing in affordable housing. Do you have any suggestions that might help the government to really look at this issue? When you have seniors waiting years and years for affordable housing, young families—even rents are almost impossible to get. I don't know about my other colleagues that are here; in my area, we have a lot of high unemployment. It's been a little better this year because of the dollar and stuff, but high unemployment. Young families can't find places to live.

What we've having, quite frankly, because they can't afford to live in Toronto anymore, is they're actually moving to Grimsby, to Beamsville, to Niagara Falls.

Really, it's just incredible. But here's what's happening: As they all do that, the price of housing in Niagara, which was that you could get a pretty nice house for a couple of hundred thousand dollars, is now \$350,000 or \$450,000. The concern becomes there that in an area where my kids could afford to buy a house, it's going out of their reach as well. Affordable housing is a huge, huge issue, and I just wanted to say that.

Now, on your issue around cases and when you take a look at cases, I have no idea why—they get a report in 2009; six years later, we're less than a percentage point less cases going to appeal. When you go to appeal, I don't know if people understand: that means people are sometimes without money. The effect of that on the family sometimes is marriage split-ups, which happens regularly. But the one and the hidden gem that's out there that nobody wants to talk about, nobody wants to invest in—we have police officers doing it now instead of health care providers—is mental health, and some of the issues that happen because they're being cut off on the only resources that they have. So the cost doesn't just go to the appeal process; it goes to health care; it goes to marriage breakups; it goes to the long-term effects on kids. It's a system that is broken and should be fixed. People should not have to wait to go to an appeal process so they'd have the basic needs—to eat.

I know you've given probably most of your life to that, and I thank you for that. But we need more people like you. We need more people in government who understand what people are going through in this province. I don't know what an appeal costs. Maybe somebody can tell me here. I don't know. Would you know, sir?

Mr. Mark Mascarenhas: I don't. I'm sorry.

Mr. Wayne Gates: Does anybody on the government side know how much an appeal costs? Anybody?

Can I make a suggestion? That somebody on your side find that out, because that money, instead of going to appeals, could be going to the families right off the hop. I give you a commitment that I'll find out from my staff how much the appeal is, but think about that. That money could be spent in a lot better place than on appeals that continue to basically grow.

When I take a look at the numbers—and you guys all have this; I'm not trying to lecture anybody—in 2013-14, completed without a hearing: 5,000; the year before: 8,000; the year before that: 7,000.

In 2013-14—and this is after the report that came out to the government saying, “We've got a problem. We've got to address it”—9,289 had to be completed with a hearing, so that's 9,289 families who are going without. There has got to be a better system, sir.

If you are appointed to this, I would like you to be a voice, because you've seen it your entire life, with a number of cultures, by the way, a number of kids, a number of families. It doesn't matter where you're from. We have to fix this process. Our families need it; our kids need it; our police officers need it; our health care professions need it. It's money well spent because you get it back 10 times on getting rid of this process.

That's all I'm going to say on it. It's a bit of a speech. I apologize for that, but I see it every day in my office and it actually brings tears to your eyes what people are going through. I'm sure my colleagues—their heads are down, but at the end of the day I'm not the only one getting it. I'm not the only one getting it, and I'm sure my buddies who are on this side are getting the same thing. We're hearing the same message. So if you can fix it, sir, please do.

Mr. Mark Mascarenhas: Thank you.

Mr. Wayne Gates: I thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. I'm going to ask our researcher Heather Webb to answer that question for you at a subsequent meeting, so you can have that information or we can all have that information.

Mr. Wayne Gates: Thank you, Chair.

The Chair (Mr. John Fraser): You're very welcome.

Mr. Mascarenhas, thank you very much for taking the time to present here today. We'll be considering the concurrences at the end of the day. You may step down now, and again, thank you very much for appearing today.

Mr. Mark Mascarenhas: Thank you, Chair and members.

1510

MS. BEVERLY MOORE

Review of intended appointment, selected by official opposition party: Beverly Moore, intended appointee as alternate executive chair, Social Justice Tribunals Ontario; member, Child and Family Services Review Board; member, Criminal Injuries Compensation Board; member, Custody Review Board; member, Human Rights Tribunal of Ontario; member, Landlord and Tenant Board; member, Ontario Special Education (English) Tribunal; member, Ontario Special Education (French) Tribunal.

The Chair (Mr. John Fraser): Our next intended appointee is Beverly Moore, nominated as alternate executive chair, Social Justice Tribunals Ontario; member, Child and Family Services Review Board; member, Criminal Injuries Compensation Board; member, Custody Review Board; member, Human Rights Tribunal of Ontario; member, Landlord and Tenant Board; member, Ontario Special Education (English) Tribunal; and member, Ontario Special Education (French) Tribunal.

Ms. Moore, can you please take your seat.

Ms. Beverly Moore: Hello. I'm already here.

The Chair (Mr. John Fraser): Oh, you're here. Great. Thank you very much for being here today. As you may have heard, you'll have time for a brief presentation. Any time that you use will be taken from the government's time for questions. Members from all three parties will be able to ask you questions.

Please, you may proceed.

Ms. Beverly Moore: Great, thank you. Well, thank you for the invitation and this opportunity to meet with

you regarding the proposed order in council for alternative executive chair of Social Justice Tribunals Ontario. I'm not sure if you have been provided a copy of my CV, but I would like to go over just a few points that I hope will explain why I'm here before you today as an intended appointee.

After finishing my post-secondary education, I worked for approximately 12 years as a community legal worker in a community legal clinic. I provided advocacy for low-income and vulnerable persons before many adjudicative boards and tribunals. As part of my job, I was also actively involved in public legal education and I was active in a number of community boards in Hamilton on issues such as refugee issues, domestic violence, and the advisory board of the Hamilton Psychiatric Hospital.

Then my adjudicative career began. I was appointed as a member of the Social Assistance Review Board, which is the predecessor to the current Social Benefits Tribunal. I was next appointed as a founding member and vice-chair of the Ontario Rental Housing Tribunal, which is now the Landlord and Tenant Board. I served as a member and member-manager there for approximately nine years, including one year as an acting chair of the board.

I left the provincial boards for a short period of time with an appointment as a member of the Immigration and Refugee Board.

In 2006, I returned to work for the province with an appointment as a vice-chair with the Social Benefits Tribunal. In 2012, I was asked to serve as acting associate chair for the board, and in 2013 was appointed as the associate chair, where I happily remain today.

So I bring to this opportunity about 20 years of adjudicative experience, over 16 years of experience managing in an adjudicative setting, and I have a solid understanding of the stakeholders of the cluster. I have been privileged to be part of the Social Justice Tribunal since it was clustered and I have been actively involved in the development of the values and mandate of the Social Justice Tribunal and applying them in my daily work.

It is because of this base of experience that I believe my name has been put forward as alternate executive chair, and I would be happy now to take any questions.

The Chair (Mr. John Fraser): Thank you very much. Mr. McDonell.

Mr. Jim McDonell: Thank you for appearing today.

You're being made an associate chair of the Social Justice Tribunals and are being appointed to the membership of the other tribunals in the cluster. As an associate chair, one of your duties is to develop effective adjudication strategies to deal with the caseload. The Social Benefits Tribunal has been seeing its caseload grow greatly over the last little while instead of decreasing, so what strategies have you implemented or are you planning to implement to give the ODSP and Ontario Works claimants access to fair and speedy justice?

Ms. Beverly Moore: I was listening to Mr. Mark Mascarenhas's presentation earlier, and I think you were pointing to some backlog. But I would also like to point

out that when you look at some of those numbers, you also see that the tribunal has actually closed, progressively each year, more hearings than it held the year before. So we have looked at how we could increase and speed up that work.

Certainly a number of adjudicative strategies are in play with the Social Benefits Tribunal. One right now is to look at whether there could be expansion of an early resolution of disputes. For example, there are a number of times when matters get to a hearing that can be then resolved, and we'd really like that to be occurring at an earlier time period. So we've been expanding and working with our stakeholders on both sides to try to determine if there are earlier opportunities to come to some resolution on those issues. We certainly have been expanding in that manner.

We've been expanding in terms of the additional hearings and locations, of expanding video hearings so that we can expand being able to hear certain matters in certain areas in a more expedient and better way for the parties.

Those are some of the matters that we've been dealing with in our adjudication strategy. Certainly, that has been how we've started to approach it.

I'm sorry; am I answering the questions you've asked?

Mr. Jim McDonell: Yes. For the cases that are coming forth, from your experience, should they be there or should they have been resolved? Is there a way of getting those numbers down before they get there? Are they frivolous or are they justified? What have you seen in your role so far?

Ms. Beverly Moore: In terms of whether they're justified, I think what you're perhaps referring to is the high overturn rate that we indeed have, which you made reference to. I think that part of the reality is that there's the experience of the ministry that makes a decision based on the paper that's before them, whereas the tribunal has the opportunity to meet with the appellants face to face and to be able to hear that they had additional information directly. So there is good merit basis; it's just that we're having different evidence, in this sense, before us. I think that's part of why we've been looking at some of the early resolution projects, to try to get an opportunity for the ministry to be able to hear, at an earlier date, what we sometimes are hearing at hearings and to try to resolve it in that manner.

Mr. Jim McDonell: So there is no caseworker who works with these people beforehand? This is really their first opportunity to actually talk to a live person?

Ms. Beverly Moore: My understanding is that persons may be already with caseworkers, for instance, from Ontario Works, who often make the referral to ODSP. But the application is completed, and my understanding is that the application goes to a medical adjudicator with the ministry by paper, and it's not an in-person meeting. I think that's one of the differences that perhaps occurs as to why we have a higher overturn rate, because—I can be very frank—sometimes you do look at the paper and are left with questions, and then if you see

the person in front of you and are able to hear their explanation, you have a better understanding as to, for instance, why they are disabled.

Mr. Jim McDonell: Do you see any opportunity for some changes within the system to get at those cases earlier? Most cases need some legal advice to get to this point. It gets expensive. It's time-consuming.

Ms. Beverly Moore: One of the things we're working really quite closely with is—as I say, our stakeholders, both the ministry and the legal clinics primarily, who represent in front of the tribunal. One of the aspects is that the legal clinic can't deal with the volume of appellants who are out there, so we've been working with them in terms of their new self-guided process in order to allow people to represent themselves in front of us at the hearing. But they are also trying to work out where it is best that they be using what services they have—gathering the medical information ahead of time, things such as that, because often that has been key. So it's working with the stakeholders on both sides to try to get the information as early as we possibly can, to see if we can get resolution.

Also, I'm speaking primarily about disability issues at this point, because that's about 90% of what the appeals are currently before my board.

The Ontario Works issues: Again, early resolution has been a key issue, in terms of holding hearings early on to see—for instance, if there's an Ontario Works dispute, is it some kind of documentation that's perhaps in question; maybe there's a lack of understanding—if from a very early stage some resolution can be reached.

Mr. Jim McDonell: In our office, we see more and more people coming in to have us help them fill in the forms. They basically go to Ontario Works or Service-Ontario and are given the forms and sent away. There's very little guidance in this. Many people in this category have problems with forms, so I could see one of the issues being not being aware: how to fill them in, not being computer-friendly. They have a lot of issues, and of course, then they're turned down.

1520

I would also think, for all the cases you're seeing and you're overturning, there are many that don't go that far. There is, certainly, a legal cost. They have to try to apply for legal aid. A lot of them can't afford it; they can't wait. There's not enough access to legal aid, certainly, in our area. I can't speak for the rest, but I'm sure it's somewhat similar. So it's a very complex system to move through, in such a way that many people get turned off. I would assume, with the number being overturned, many of them are entitled to services but are just being lost in the system. Is there any way of making it simpler, faster? I mean, if somebody is entitled to benefits, they should get them. With so many of the—I would say the small percentage that appeal being turned down, and to see such a high appeal rate, you wonder just how many are going away that really are being lost in the system.

Ms. Beverly Moore: Well, for those who are attending before legal clinics, there isn't a legal cost. We

only see a few from the private bar, generally when they're related to a different issue such as a no-fault insurance issue.

With regard to persons appearing before the tribunal, we have a tremendous number who appear self-represented. We try to set up our procedures to make it as informal as possible and as accessible as possible, providing as much information as we possibly can. We really stress to parties that they really can appear before us without a legal representative, that it is just a telling of their story, particularly when it comes to disability. Our members are, I would say, particularly expert at leading the parties through the information that's needed to make a decision, particularly in issues such as disability, to get a sense of how people are affected by their health issues in activities of daily living or in the community and things such as that.

The Chair (Mr. John Fraser): Mr. Pettapiece, you have 45 seconds.

Mr. Randy Pettapiece: You speak very well.

Ms. Beverly Moore: Thank you.

Mr. Randy Pettapiece: A lot of people don't. I think that's an issue with some of the people who are applying for this type of thing.

You talked about self-represented clients. With the lawyer issue, is there not enough money or are lawyers just really not interested in this type of business?

Ms. Beverly Moore: My understanding is that legal aid certificates are not generally provided to members of the private bar, if that's what you're asking me. Otherwise, really, the only resource that's been available for the appellants has been the community legal clinics. Am I answering what you're asking?

Mr. Randy Pettapiece: No. Are lawyers just not interested in doing this stuff?

Ms. Beverly Moore: As I say, generally, if it's a member of the private bar, they've only come to us to represent them on the disability if they're representing them on something else. Otherwise, most of the representation that people have are the community legal clinics across Ontario.

The Chair (Mr. John Fraser): Thank you very much. Mr. Gates.

Mr. Wayne Gates: I may be wrong, but I think what he was asking is, do we have enough lawyers who are interested in representing workers at the clinics? I may be wrong, but I think that's where he was going. Is that part of the problem on not getting things done quickly enough? I'm not trying to take your question, but I think that's what he was trying to say.

Ms. Beverly Moore: Well, my understanding is, the legal clinics are so flooded by the number of appellants that they can't represent them all. Is that essentially what you're asking me?

Mr. Wayne Gates: Yes.

Ms. Beverly Moore: And that is indeed why we've been working in partnership with them to further develop what they call their self-guided legal services so that they can provide some assistance and some preparation of

appellants to appear before us, but not necessarily represent every one.

I'm sorry, am I going on?

The Chair (Mr. John Fraser): No, go ahead.

Ms. Beverly Moore: Sorry, I thought you were indicating to me.

Mr. Wayne Gates: No, you're good.

Ms. Beverly Moore: Often, the appellants may very well be able to come and represent themselves at the hearing, but sometimes it's a gathering of information ahead of time or all of that kind of thing that they need the assistance on. So I think that it's been a refocusing of a lot of legal clinics on where the best value would be of their representation and the services that they're providing so that as many appellants get as much assistance as they can in going before the hearing.

Mr. Wayne Gates: Would you have an idea—and again, it's a dollar-and-cent question—of what a lawyer would get at the clinic?

Ms. Beverly Moore: I don't know a salary; I'm sorry. I have no idea whatsoever.

Mr. Wayne Gates: I think that might be something that could be an issue, on getting more lawyers to put their hands up to do this. Obviously, they're working to make money, just like we all are. That's the way it is.

Ms. Beverly Moore: The lawyers at the legal clinics are salaried with the clinics.

Mr. Wayne Gates: But maybe the salary is not high enough to draw lawyers to the job. That's what I'm trying to say.

Ms. Beverly Moore: Sorry; now I understand the question.

Mr. Wayne Gates: My understanding is—I don't know; I don't hang out with a lot of lawyers. Some lawyers do quite well, I hear. So maybe that would be some of the concern.

I think some of the comments that were made by my colleagues are right on the money. We've got a crisis. You listened to me rant for 10 minutes. I'm not going to do that again, to save you that. I spend a lot of time, with my staff—people come into my office. There is no doubt about it: A lot of the problems are communication. Some are new Canadians; there are language barriers; there are a lot of things. Some are, like I said, mental health issues; that they don't understand. We should be looking at it to make it easier, a little friendlier. It all comes down to documentation, in most cases. It comes down to making sure that if you're being asked for something to do, particularly around a sickness—it's documentation: "Your doctor didn't say this." I think what we have to do is get to our local MPPs—and my office as well; I'm not saying we do it well, although we do have a contact that we call—and say, "When somebody comes into your office with this issue, this is what they're going to need to make sure they don't get refused and don't have to go through the appeal process." I look at that kind of stuff a lot, like WSIB. People come into my office with WSIB, and guess what? They get refused. Then when you read the documentation, WSIB says, "Your doctor didn't pro-

vide proper documentation or the real reason why you're off." So then you have to say to them, "Just go back to your doctor or call your adjudicator and say, 'What does my doctor need to say so that I don't go through this?'"

I think we might need some of that here as well, because when they go to see the legal clinic, they're waiting—because there's the time there. It's not like you can call them up at 9:30 and say, "Look, Gatesy wants to come down; he's got some problems." You've got to wait. It would be better if we said, "Make sure this is done. It might be something to look at. I think he's on to something." It's got to be easier, it's got to be more friendly, because trying to fill out documents today is tough. It's almost like, you dial that number, and they say, "Press 1 for this, press 6 for this," and a lot of people don't even understand that.

So I think one thing that you might want to do when you get on the board is to say, "How do we make it easier for people to be following the process?", because the process sometimes can be challenging, for different reasons.

You're very good at what you do. I can tell you're passionate about it. That's exactly what we need in these situations: somebody who cares about the end result, and getting the results as quickly as possible. I commend you for doing this for a long period of time, and I wish you the best when you get appointed.

Ms. Beverly Moore: Thank you.

The Chair (Mr. John Fraser): Ms. Malhi.

Ms. Harinder Malhi: Thank you for your presentation. I just wanted to ask you: What is the role of the alternative executive chair?

Ms. Beverly Moore: My understanding is that if the executive chair who's present was to be gone for an extended period, perhaps for an illness, or was to leave the cluster, that there is someone to act in a temporary capacity until a more final decision could be made.

Ms. Harinder Malhi: Is there any additional remuneration or—

Ms. Beverly Moore: There's no additional remuneration.

Ms. Harinder Malhi: Okay. Thank you so much.

The Chair (Mr. John Fraser): Thank you, Ms. Moore, for your presentation today. That's all the time we have. We'll be considering the concurrences at the end of our day. Again, I thank you very much for being here today. You can step down.

Ms. Beverly Moore: Thank you.

The Chair (Mr. John Fraser): We're almost one full hour ahead of schedule, so what I would like to suggest that we do is—we have an appointment extension that we can do, and then go through our concurrences.

Mr. Jim McDonnell: Is the last person here?

The Chair (Mr. John Fraser): The last person is not here yet, so what I'll do is, first of all, we'll go to the deadline extension, which is a deadline extension for considering the appointment of Renu Mandhane, nominated as member and chief commissioner, Ontario Human Rights Commission. It was a selection of the third party,

August 14. The deadline expires on September 13. I would like to move—

Mrs. Marie-France Lalonde: Mr. Chair, I apologize.
1530

The Chair (Mr. John Fraser): Yes, Madame Lalonde.

Mrs. Marie-France Lalonde: I just want to know if it's a motion that I have to present, but I wanted to know if we can schedule the full-time appointees in terms of going through the list, possibly, just out of respect for those individuals who have committed for all various reasons in their personal lives.

The Chair (Mr. John Fraser): Sorry; hang on.

Mrs. Marie-France Lalonde: Is it a motion? I'm not sure about that.

The Chair (Mr. John Fraser): What I'll do is I'll finish the unanimous consent to do this and then we can address that question.

Mrs. Marie-France Lalonde: Thank you.

The Chair (Mr. John Fraser): So I would need unanimous consent to extend the deadline of this appointment until October 13. Any discussion? Do I have unanimous consent? Okay, it's moved.

Now, with your question, if there is a specific—you can put a motion forward in that regard to—

Mrs. Marie-France Lalonde: Is it a motion?

The Chair (Mr. John Fraser): We can do that by unanimous consent as well. So if you'd like something, we can do it by agreement, then you can put it forward.

Mrs. Marie-France Lalonde: I would like to put forward that we look at the full-time appointees first, please, as we're going through this process. I would like this to be unanimous consent.

Mr. Jim McDonell: Is that something we've done in the past? You're talking about full-time versus part-time?

The Chair (Mr. John Fraser): We can have some discussion about it, yes.

Mrs. Marie-France Lalonde: Well, sometimes, if you look at a person who may look at this as a full-time appointment, they might have made a decision in their personal life, if they were currently employed. So I think, with due respect for those individuals who put their names forward in going through the process of us reviewing these appointees, it would be wise and also, I think, respectful of those individuals, potentially—I'm not sure. I'm just looking at this. If I'm a part-time member coming forward, I may still keep my job. If I'm looking at this as full-time employment, I might leave my job. Who knows? But I think out of respect, we should review first and schedule first those that are full-time appointees.

That's it, just out of respect.

Mr. Jim McDonell: Is there a huge backlog? What is the backlog?

The Chair (Mr. John Fraser): After today, I think we'll be at about 11. There are, I think, one or two full-time appointments in there. Can you check that?

As you know, we are sitting for two days because we have had—we'll be hearing 28 over the next two days,

but we still will have a backlog. Our next day will be on the 15th of September, and then we'll be back to our regular weekly meeting, which means two appointments.

I guess there are two questions. Do we want to adopt this going forward as a general principle or is there a specific circumstance, because I know there are a number of appointments that are here that—I know there are a few in front of us.

Mrs. Marie-France Lalonde: Actually, Mr. Chair, I'm just looking at this from a very factual aspect, where we do already have a backlog. So if we're going to go through how they were brought forward, we may see certain individuals in different times, which is fine. The issue is if you were applying for a full-time appointment. I think, out of respect, like I say, some of those individuals did not expect us to have this backlog. It's just a nice way of reaching out to them, just to schedule them first.

The Chair (Mr. John Fraser): If I'm hearing you correctly—as a matter of practice, because we have a backlog—what you're asking for is that those people who are full-time appointees, that we give consideration when scheduling them, in advance of part-time appointees. Is that clear? Is that what's out there? Does anybody have any questions? Is there any other discussion?

Mr. Randy Pettapiece: Our backlog is going to be done this week, isn't it—pretty much?

The Chair (Mr. John Fraser): No. It will be 11, so—
Interjection.

The Chair (Mr. John Fraser): —and then we'll be—

Mr. Randy Pettapiece: But it's going to be cleared up in September?

The Chair (Mr. John Fraser): The Clerk can correct me on this, but it's two intended appointees a week. So, to clear up the current backlog, it would be just about five weeks, remembering that we will have intended appointment certificates coming out again every week. As we're clearing this up, it keeps adding to the pool. Every week, we'll be adding to that as those intended appointment certificates come out. So it will take us about five or six weeks. That's just the timing of it. It will take us probably until after our break because we will not be sitting—actually, we won't be sitting on the 22nd. That's the math.

Mr. Jim McDonell: And we'll never do the part-time—they'll be sitting back and the part-time appointees will be getting older and older versus taking steps to have an extra day or maybe start 10 minutes early and do three a day instead of two. We used to do three before.

The Chair (Mr. John Fraser): Yes. To do three, we'd have to start half an hour early.

Mr. Jim McDonell: Well, or 10 minutes early.

The Chair (Mr. John Fraser): We actually don't have the authority—

Mr. Jim McDonell: In the last Legislature, we started at 8 o'clock. I'm not saying we need to start at 8, but we could start at a quarter to 9.

The Chair (Mr. John Fraser): Clerk, maybe if you want to clarify?

The Clerk of the Committee (Ms. Sylwia Przedziecki): Sure. The order of the House that established the committee meeting schedule for this Parliament is quite specific: The committee may meet at 9 and end at 10:15. There's no wiggle room there.

Mr. Jim McDonell: But within the last session, we did meet a number of times—even twice on the Tuesday, to get rid of a—

The Chair (Mr. John Fraser): In the last Parliament.

Mr. Jim McDonell: The rules wouldn't have changed.

Mr. Randy Pettapiece: Why would they change this time?

The Clerk of the Committee (Ms. Sylwia Przedziecki): The order of the House that established the committee meeting schedule was worded differently and provided different parameters for the meeting times.

Mr. Jim McDonell: But the standing orders wouldn't have changed.

The Clerk of the Committee (Ms. Sylwia Przedziecki): It's not the standing orders. It's done by a motion at the beginning of the Parliament, which then turns into an order of the House. That is what establishes the committee meeting schedule for a Parliament.

Mr. Randy Pettapiece: I don't understand the procedure here. The government changed these things by themselves? Who does this?

The Chair (Mr. John Fraser): It's by order of the House. So the House leaders—

Mr. Randy Pettapiece: So then the government changed it. Correct? You have a majority.

The Chair (Mr. John Fraser): We have a majority, yes. There's also a negotiation between—

Interjections.

The Chair (Mr. John Fraser): We're getting away from the original intent of this unanimous consent.

Mr. Randy Pettapiece: I'm trying to understand why we can't change it back to the way it was.

The Chair (Mr. John Fraser): How it got to where it was—that's what the order of the House is right now.

Mr. Randy Pettapiece: What I'm trying to understand is why the government changed it this way. Pardon me for being cynical.

The Chair (Mr. John Fraser): I wouldn't suggest that you're being cynical; we can have a further discussion about that, but we were just discussing something here, and I'm just going to repeat it again: to give consideration to full-time appointments over part-time appointments when scheduling. As you know, with scheduling, that's something that we have a bit of a challenge doing in general. You've got to get people who are available to be here.

I will entertain some more discussion about this, if anybody has any.

Mr. Jim McDonell: I guess—

The Chair (Mr. John Fraser): Okay. Just one second—

1540

Ms. Ann Hoggarth: Could I have some clarification, please?

Basically, I think what my colleague MPP asked was if we could consider the people who have applied, basically, for a full-time position, who may be sitting, holding up other people taking their position at the job they are already at. From what I look at on the sheets that we just went through—

Mrs. Marie-France Lalonde: It's done. It's the other ones.

Ms. Ann Hoggarth: Oh, it's the other ones?

Mrs. Marie-France Lalonde: There are 14 or something that we're supposed to review. That's the motion right now.

Ms. Ann Hoggarth: Oh, I'm sorry.

Mrs. Marie-France Lalonde: But still, how many—I think it's one or two. How many are they, currently full-time, that we would have to schedule first?

Ms. Ann Hoggarth: Their life is on hold, is basically what we're saying.

Mr. Jim McDonell: One board is short nine people.

The Chair (Mr. John Fraser): Okay. Just a moment, please.

Interjections.

Mr. Wayne Gates: A question.

The Chair (Mr. John Fraser): Mr. Gates.

Mr. Wayne Gates: I don't know if we can do this, because I understand that the government continues to change the rules all the time. I understand all that. But can we not just do another day?

The Chair (Mr. John Fraser): Can we not what?

Mr. Wayne Gates: Can we just do another day?

The Chair (Mr. John Fraser): I'll ask for the Clerk's—

Mr. Wayne Gates: I mean, I enjoy everybody's company.

The Chair (Mr. John Fraser): I generally think anything in this world is possible.

Mr. Wayne Gates: I'm just trying to figure out if that makes sense.

The Chair (Mr. John Fraser): I don't know what procedurally would need to be done to do that.

Mr. Wayne Gates: I'm just thinking, would it not make sense? Then we're caught up. We're not always playing behind the eight ball and trying to figure out two or three people. Just add another Friday to our schedule, and we'll stay overnight on a Thursday night and get it done. Then we're all caught up for the next session until next summer, when we go through this again. It just makes sense to me, rather than chasing your tail.

The Chair (Mr. John Fraser): I understand what you're saying—can I ask the Clerk?—but it may require the return of the House to consider something like that.

Mr. Wayne Gates: Could we look into it before we—

Mr. Jim McDonell: Well, today's session is within bounds. We can schedule as many as we want to during our summer session, and we just failed to do so.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): The standing orders grant this committee the authority to meet for the purpose of considering intended appointments during an adjournment, such as the one that we are in now, no more than three times per month. That's a standing authority.

Once the House is back in session, the committee would require authority from the House to be permitted to sit outside of its regular meeting time, which is Tuesday morning from 9 to 10:15.

Mr. Jim McDonell: None of this can stop us, during our break weeks—

The Clerk of the Committee (Ms. Sylwia Przewdziecki): It's during an adjournment of more than a week, such as the summer or winter—

The Chair (Mr. John Fraser): The summer and the winter sessions.

Mr. Wayne Gates: I guess the question would be, then, to my colleagues on the other side, would they agree to just put one day together and clean them all up? Because, really, a lot of these are probably your appointments.

Interjection: All of the appointments.

Mr. Wayne Gates: Well, all of them. I'm just saying—so if you want to do that, I'm prepared to do that. I don't know about my colleagues. Let's just get them cleaned up and then we're clean to do the next six, seven months. Makes sense to me.

Mrs. Marie-France Lalonde: First of all, this will probably be something that should be reviewed and discussed in subcommittee.

My request today was just regarding the scheduling of the appointments that are moving forward for the fall session to see if we can, out of courtesy for those individuals, schedule them first.

If we want to bring something in subcommittee to discuss the backlog of those opposition and third-party appointees back in front of this committee, that's something that can be discussed.

For me, it was very purely just to see if, for those that are applying full-time, we can schedule them first in the fall session, out of courtesy, if—and at this point, I don't know if it's an issue. It was just very, I guess, respectful of those individuals that came and put their name forward, that you suggested should come in front of us, if we're going to go on this.

The Chair (Mr. John Fraser): I'm going to add a piece of additional information, just to make it more interesting.

There are two full-time appointments in the remaining 11 that we have, and the two intended appointees are Gita Anand, Ontario Labour Relations Board, and Renu Mandhane, Ontario Human Rights Commission. Those are the two full-time appointments that are there.

I just wanted to give that information so people were aware.

Mr. Gates.

Mr. Wayne Gates: Okay, and I appreciate her point. What I was saying is that we also have nine other people.

Today, it looks like we're going to get rid of 14, 15, in that area. We could put one day in, get them all, get your full-time people taken care of as well, and do the other ones, and then just be clean for the next—I just think it makes sense. I'm not trying to be difficult with you. I think it's good that people want full-time jobs. They've got to go work. Let's get them to work, but let's clean it all up so we're clean as we move into the next session for eight or nine months.

The Chair (Mr. John Fraser): Okay. Although we have lots of time—we've got another 45 minutes—in the interests of dealing with this one issue, and then your issue is Madame Lalonde's suggestion or request, do we have unanimous consent?

Mr. Jim McDonell: I think I get a little concerned that if we do that going forward, the part-time will never get adjusted, and part-time, for a lot of these boards—they're only part-time because they don't meet every day, but they're fairly important to the whole system.

I don't disagree with getting rid of these two, but if you do this going forward, you're only doing it two or maybe three times a month. You're doing six a month. I go back and look at some way of getting back to where we were last time: We were doing three a week before, at least.

The Chair (Mr. John Fraser): An additional piece of information: We do have a third full-time intended appointment scheduled for September 15 for our first meeting.

Madame Lalonde?

Mrs. Marie-France Lalonde: I guess to the member: For me, it's not to look at something that we can do every single time. My understanding is that because of this backlog, can we look at this one time so that those individuals can be scheduled first?

If you want to bring this forward after and review something in subcommittee, be my guest. I'm just asking this one time, as we're scheduling for the fall. We have this opportunity that is given to us today where we could schedule those individuals first, please.

The Chair (Mr. John Fraser): Mr. Pettapiece.

Mr. Randy Pettapiece: The rules were changed. The time frames were changed for some reason. I—

Mrs. Marie-France Lalonde: I want to talk to you about that.

The Chair (Mr. John Fraser): Please—

Mrs. Marie-France Lalonde: Sorry.

The Chair (Mr. John Fraser): Thank you.

Mr. Randy Pettapiece: They were changed for some reason. You guys changed them for some reason. That's what you did. Now you say you can discuss with the House leaders and everything else, but you guys have majority in the House. So now we're asked to change it back because you think something is getting screwed up here. I would suggest that if we're going to make any changes, we make them through the House and the House leaders or whatever, that we don't just make these decisions arbitrarily on our own, because that can cause chaos, and that's what we're doing here right now.

Because the next time this happens, you're going to want to change it again. I think Mr. Gates has a perfect solution to this thing here. Why don't we go along with him? Schedule it in a day and get rid of it.

Mrs. Marie-France Lalonde: Again, Mr. Gates, I respect your decision. And who knows? That may be the case. I look at my Fridays as a valuable component of my MPP role to which I was elected, so certainly for me—I don't know about you—but being in my riding—

Interjection.

Mrs. Marie-France Lalonde: Yes, exactly. So you know as much as I do how valuable those Fridays are. I have about 15, and I'm sure you do, too. With all due respect, we're 107 members in the House, and on Fridays, Saturdays and Sundays, we devote our time within our constituencies, and I very much value my Fridays for that. Having said that, I do understand that the decision on the structure of this committee was based upon a negotiation that took place between each of our House leaders. Again, I was not part or prelude to those discussions. I was just asking, in all openness, not to look at this as a common practice and to change a rule or to confront—not at all. It was just out of respect for those individuals who have put their names—

Mr. Vic Dhillon: Courtesy.

Mrs. Marie-France Lalonde: —courtesy, thank you—just to give them the chance to come first. Having said that, if they were to be successful in their application, well, they will probably leave a job to create, like my colleague said—someone else to move into that role. That's the only thing. We know that most of the part-time that I've seen in the last year are typically retired people or people who are currently in a job that—they don't do this part-time. I respect the part-time people. Like I say, it's not something to look at in moving forward. It is a one-time issue, that we're having this situation. It's really, in my understanding, a little bit unusual that we ask our Clerk to schedule them first. That was it.

1550

The Chair (Mr. John Fraser): Mr. McDonell.

Mr. Jim McDonell: Under the rules of the last session, we met during the week here. We were allowed to meet more often. We were doing at least three a week. We're just talking about going back to those rules.

The backlog would be gone now if that was the case. I'm not sure why we're dropping down to two. I guess what Mr. Pettapiece was saying—to the House leaders, surely we can get back to being a little more efficient, because there are a lot of part-time boards. We're talking about one board being nine short. They haven't met in over a year. All that we're going to do is make that a lot more difficult, whereas really, I think that we can meet more than an hour a week. I'm not talking about necessarily meeting—

Mrs. Marie-France Lalonde: With all due respect, that's something that we could discuss either in sub-committee—and I agree with you—or to our House leaders.

Mr. Wayne Gates: I just call the question, please.

The Chair (Mr. John Fraser): Okay, do we have agreement? That's the question.

Mr. Wayne Gates: No.

The Chair (Mr. John Fraser): No. Okay. The matter is settled.

Now we're going to move on to our concurrences. We might as well consider them right now. We have one more appointee. We can consider their concurrence at the end of their interview.

I would like to consider the concurrence for Jillian Swartz, nominated as member, Wilfrid Laurier University board of governors. So can I have—

Mr. Vic Dhillon: Agreed.

Interjections.

The Chair (Mr. John Fraser): Can someone move the concurrence, please?

Mr. Chris Ballard: So moved.

The Chair (Mr. John Fraser): Mr. Ballard. Any discussion? All those in favour? Opposed? Carried.

I'd like to consider the concurrence for Leigh Lampert, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal. Can I have someone put forward the concurrence?

Ms. Harinder Malhi: I'll do it.

The Chair (Mr. John Fraser): Ms. Malhi. Any discussion? All those in favour? Opposed? Carried.

The concurrence for Upkar Arora, nominated as member, Metrolinx.

Mr. Chris Ballard: So moved.

The Chair (Mr. John Fraser): Mr. Ballard. Discussion? All those in favour? Opposed? Carried.

Peter Thompson, nominated as member, Ontario Energy Board. Can I have someone put that forward, please?

Ms. Harinder Malhi: Sure.

The Chair (Mr. John Fraser): Ms. Malhi. Discussion? Those in favour? Those opposed? Carried.

Preet Banerjee, nominated as member, University of Toronto governing council. Can someone put that forward?

Mr. Vic Dhillon: I move.

The Chair (Mr. John Fraser): Mr. Dhillon. Discussion? All those in favour? Opposed? Carried.

Jenny Gumbs, nominated as member, Justices of the Peace Review Council.

Ms. Harinder Malhi: I move it.

The Chair (Mr. John Fraser): Ms. Malhi. Discussion? Those in favour? Opposed? Carried.

Bette Jean Crews, nominated as chair, Species at Risk Program Advisory Committee.

Mr. Chris Ballard: So moved.

The Chair (Mr. John Fraser): Mr. Ballard. Discussion? Those in favour? Those opposed? Carried.

Paul Pastirik, nominated as member, Ontario Energy Board.

Mrs. Marie-France Lalonde: Yes.

The Chair (Mr. John Fraser): Madame Lalonde. Discussion?

Mr. Wayne Gates: Could I have a recorded vote for that one, please?

The Chair (Mr. John Fraser): Recorded vote, please.

Ayes

Ballard, Dhillon, Hoggarth, Lalonde, Malhi, McDonell, Pettapiece.

Nays

Gates.

The Chair (Mr. John Fraser): Motion is carried.

Paul Pastirik, nominated as member, Mohawk College of Applied Arts and Technology.

Ms. Harinder Malhi: I'll move it.

The Chair (Mr. John Fraser): Ms. Malhi. Discussion? Those in favour? Opposed? Carried.

Bryan Davies, nominated as member, Metrolinx.

Mrs. Marie-France Lalonde: Yes.

The Chair (Mr. John Fraser): Madame Lalonde. Discussion? Those in favour? Opposed? Carried.

Victoria Christie, nominated as member, Ontario Energy Board.

Ms. Harinder Malhi: I'll move it.

The Chair (Mr. John Fraser): Ms. Malhi. Discussion? Those in favour? Those opposed? Carried.

Mark Mascarenhas, nominated as member, Social Benefits Tribunal.

Mr. Wayne Gates: I'll move it.

The Chair (Mr. John Fraser): Sorry?

Mr. Wayne Gates: I'll move that one.

The Chair (Mr. John Fraser): Mr. Gates. Discussion?

Those in favour? Opposed? Carried.

Beverly Moore, nominated as alternative executive chair, Social Justice Tribunals Ontario; and member, Child and Family Services Review Board, Criminal Injuries Compensation Board, Custody Review Board, Human Rights Tribunal of Ontario, Landlord and Tenant Board, Ontario Special Education (English) Tribunal, and Ontario Special Education (French) Tribunal. Discussion?

Those in favour? Opposed? Carried.

There we go. Mr. McDonell.

Mr. Jim McDonell: At our June 2 meeting, we had a subcommittee report dated May 25. For some reason, the vote was delayed so we wouldn't be able to pass it that day. Would that not be on the agenda today, to pass that?

The Chair (Mr. John Fraser): It's not on our agenda and my understanding is—Clerk?

Mr. Jim McDonell: I thought Sylwia ran out of time and that something in the previous agenda had fallen through to the next one.

The Chair (Mr. John Fraser): Just one second. I'll just get the advice of the Clerk on this.

By authority of the Legislature, we cannot consider anything other than intended appointments right now.

Mr. Jim McDonell: Okay, so it will be on the next one.

The Chair (Mr. John Fraser): But there can be a subcommittee meeting to discuss those things. I know there are some differences and changes that exist inside because of the delay in time. So that's the venue at which that can be done.

Mr. Jim McDonell: Okay.

The Chair (Mr. John Fraser): Any other questions? We have about 30 minutes, so we could adjourn for, let's say 10 minutes. People can get out of the room, come back in 10 minutes and see if our intended appointee is here. Is that good? So we're adjourned for 10 minutes.

The committee recessed from 1600 to 1610.

MR. RAYMOND RAMDAYAL

Review of intended appointment, selected by official opposition party: Raymond Ramdayal, intended appointee as member, Animal Care Review Board; member, Fire Safety Commission; and member, Licence Appeal Tribunal.

The Chair (Mr. John Fraser): We're back after our 10-minute recess and ready to continue. We have one intended appointee left for today, and that is Raymond Ramdayal, nominated as member, Animal Care Review Board, Fire Safety Commission and Licence Appeal Tribunal. Mr. Ramdayal, can you please come forward and take a seat?

Mr. Raymond Ramdayal: Thank you.

The Chair (Mr. John Fraser): Thank you very much for being here today, and for being here a bit early. It's much appreciated.

Mr. Raymond Ramdayal: You're welcome.

The Chair (Mr. John Fraser): I want you to know that you have the opportunity to make a brief opening statement. Any time that you use will be taken from the government's time to ask you questions. Members of all three parties will be able to ask you questions today. You may proceed.

Mr. Raymond Ramdayal: Okay. Thank you very much.

Good afternoon, Mr. Chairman and distinguished members of the standing committee. It is indeed a privilege to appear before you in relation to my candidacy as an intended public appointee to the Animal Care Review Board, the Fire Safety Commission and the Licence Appeal Tribunal.

I appreciate the opportunity to participate in these proceedings and would like to begin by briefly outlining my experience, education, skills and personal attributes that make me a suitable candidate for this important position of public service.

As you've learned through reading my CV, I have a diverse background that allows me to bring multiple skill sets from various hats that I have worn in my professional career. I am currently appointed to the Ontario

Parole Board, which is also a tribunal under the same cluster of the Safety, Licensing Appeals and Standards Tribunals Ontario. Since joining the board, I have successfully discharged my duties as an independent adjudicator to meet their mandate dedicated to the process of promoting public safety by making responsible decisions.

I have progressively grown in my role with the Ontario Parole Board and have participated in all aspects of adjudication and decision-making in various hearings across the province with the primary goal of the protection of society. I am frequently selected to act as a hearing lead on many complex and high-profile cases, and I have received extensive training in conducting hearings, concepts of administrative justice, cultural sensitivity, risk assessment, mental health issues and decision writing, to name a few.

My role with the Ontario Parole Board has also provided me with significant experience in dealing with unrepresented clients. I'm fortunate that my experience has taken me beyond that of parole and corrections. I also sit on the Fitness to Practise Committee for the Ontario College of Trades, where I have received training with respect to holding adversarial hearings.

It goes without saying that I find many commonalities within the principles of adjudication. I have always approached these positions by applying administrative law, concepts of fairness and natural justice. My approach always reflects a commitment to equal access, impartiality and due process in dispute resolution.

As you can also see from my CV, my experience is complemented with extensive educational experience which provides me with the tools necessary to meet the challenges of this position of public trust. My achievements include a Certificate in Adjudication for Administrative Agencies, Boards and Tribunals, both bachelor's and master's degrees, as well as various certificates. I would also note that I'm a certified public health inspector, which exposes me to a diverse area that all three tribunals actually touch on.

In addition to all of this, I'm also a lifelong learner with a passion for continuing professional development, and I have taught courses with the Chang School at Ryerson University. I have taught courses in criminal justice and criminology, and I actively sit on the program advisory committee for the School of Occupational and Public Health as well.

In addition to this, SLASTO has a detailed and well-developed set of core training modules. As a member of the Ontario Parole Board, I have attended all cluster training sessions and been exposed to the work of the constituent tribunals. I was also fortunate to be board director of the Society of Ontario Adjudicators and Regulators, where I provided a leadership role in the advancement of administrative justice through education, advocacy and innovation.

Currently, I'm an environmental health specialist and research consultant with Toronto Public Health and, prior to that, spent approximately 15 years as a public health

inspector, where I have significant experience in ensuring compliance with the Health Protection and Promotion Act. This role requires the ability to interpret and apply statutes, laws and regulations. I am also proud to serve my profession by being the president-elect of Canadian Institute of Public Health Inspectors, Ontario branch.

I would note that there are several examples with me being a public health inspector that make me suitable for this particular role. As a public health inspector I would conduct investigations under the rabies prevention program and would routinely quarantine and isolate animals involved in biting incidents. I have also been involved in animal head submissions and complex investigations where community concerns are high and animal owner emotions sensitive.

The Fire Safety Commission would also allow me to directly apply my experience as a volunteer firefighter where I proudly served in station 219 in Brampton, Ontario. I successfully completed the rigorous training involved and availed myself of additional training under the Ontario fire marshal's curriculum. Toward the end of my tenure, I was qualified in high-rise rescue and drove and operated an aerial pumper truck.

My training also included all aspects of emergency responders, bioterrorism and first aid. From another angle, I have been involved in numerous investigations involving hoarding where I would work together with various other city divisions, including fire, to come to some sort of remediation for very sensitive issues, involving, sometimes, mental health.

These are just a few examples of where my multifaceted background and education coupled with my significant experience as an independent adjudicator allow me to bring skills that are required for this position.

Moreover, I am hopeful that you will see that my experience and unique skills complement that of others on the various tribunals and adds value to the understanding of complex issues and decisions that affect the people, families and communities in Ontario.

I have demonstrated through a competitive, merit-based process that I bring the experience, knowledge and training necessary and in my years with the Ontario Parole Board and SLASTO, I have acted as an impartial and independent adjudicator working in the public interest and have exercised professionalism and dedication with a clear understanding of the adjudicative practices and procedures set out by the tribunals.

As I indicated, it is indeed a great pleasure to be here—I'm happy I was early—and at this time I would ask that if you have any questions, I'd be more than happy to answer them for you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates.

Mr. Wayne Gates: How are you doing?

Mr. Raymond Ramdayal: I'm fine, thank you. How are you?

Mr. Wayne Gates: Very good. What motivated you to seek this appointment?

Mr. Raymond Ramdayal: Mr. Gates, I see this as a natural progression to my career in public service. I have

to say that since joining the Ontario Parole Board, it's been a very positive experience for me. I've been able to bring many of my skill sets and apply them directly to my work there.

I feel I've done a good job, and that's reinforced by the fact that I've received positive feedback from my superiors as well as various assessments and evaluations that have been done on me.

I've always been very humbled by the work adjudicators in Ontario do, to be honest. It goes without saying that most people in Ontario are more likely to be affected or would interact with the administrative justice system more so than the court system. Having said that, we're making decisions that affect the lives of not only people, but their families and communities at large, which is a big responsibility and something that I take very seriously and fortunately I enjoy doing.

Mr. Wayne Gates: That's good. What do you do at the Ontario College of Trades?

Mr. Raymond Ramdayal: At the Ontario College of Trades, I sit on the fitness to practise committee. I'm relatively new to the Ontario College of Trades, because it is a fairly new outfit. I've undergone all of their mandatory training and such. To be honest, it hasn't been as busy and so far I've just participated in a lot of the training and meetings that we've been having, but I recognize that it's sort of a newer governance model and they're trying to get all the pieces together. Perhaps at some point later on, I'll continue to contribute should they extend my tenure there, because that's coming up to expire as well.

Mr. Wayne Gates: You did talk about the parole board. Do you know anything about our jails?

Mr. Raymond Ramdayal: Pardon me?

Mr. Wayne Gates: The jails that they're coming from. We have lots of issues around our jails, around safety and stuff. Have you had any concerns on that part of it? Not only just being on the parole board, but obviously with our safety—both for the inmates and the workers at the jails. Have you had any dialogue around that? Or have you heard about it in your role?

Mr. Raymond Ramdayal: As a quasi-judicial tribunal, the Ontario Parole Board is very unique in that all of our hearings actually take place within these institutions. What that allows is an interaction between adjudicators and staff. For that reason, even during the course of a day, just talking and chatting with staff, you begin to develop a rapport, working together, and I think that, as we come together, we try to do our job in as safe and efficient a manner as possible, while being respectful of the rights of the inmate, of course, and ensuring the integrity of the process.

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We also have vice-chairs at the board who are in regular dialogue with people at the institution—superintendents and assistant superintendents and such—who will routinely look at processes and procedures, ensuring that they're working and, if they're not working, doing things to correct them.

Mr. Wayne Gates: Do you hear anything about the understaffing there, in the jails, when you're there?

Mr. Raymond Ramdayal: No, I—

Mr. Wayne Gates: And what about safety concerns?

Mr. Raymond Ramdayal: No, not so much, to be honest.

Mr. Wayne Gates: I just thought, because you saw that, and I know there are big issues in almost all our jails right across the province.

Another one that I'll ask you about is that you're a volunteer firefighter for the city of Brampton. We obviously thank you for that, but what do you think some of the issues are facing firefighters as well? Maybe you can talk about that, seeing as you've had some first-hand experience. What are some of the issues that are important to firefighters on a go-forward basis, every day?

Mr. Raymond Ramdayal: I'm a strong believer in continuing professional competencies, and that's sort of the flag that I fly. I think that our firefighters need all of the support and training that we can provide them to keep them abreast and up to date with regard to new techniques, equipment. It's the type of job—and I'm not doing it anymore, just to clarify; it's something I did a few years ago. I found that it's something that you have to be continually practising.

I believe that firefighters, day in and day out, as well as of all our emergency responders, do a great job. There are incredible pressures on them, I would imagine, with regard to public scrutiny and such, but having said that, I think that when given the tools, when given the proper equipment and the proper training, not only can we ensure that they arrive and tend to matters and keep the public safe, but they can also keep themselves as well.

Mr. Wayne Gates: You've obviously talked to firefighters in the city of Brampton, so are you aware of the challenges around mental health that the firefighters are really facing in the city of Toronto and in a lot of cities right across the province of Ontario? A really big issue: They're dealing with it, just like police officers. If you're talking to your colleagues and your firefighters, have they raised that with you at all, talked to you about it? Do you guys talk about it?

Mr. Raymond Ramdayal: No. To be honest, back then not so much. My core group of firefighters that I was associated with of course were volunteers, and they were there because they really wanted to be there. I never really encountered mental health issues in that regard. However, I would say that more recently I find that firefighters are getting involved in cases where there may be mental health issues, such as in hoarding and things like that, like what we see in the city of Toronto. So more often than not, they're certainly encountering it. They're encountering challenging situations, and hopefully they can have those supports.

Mr. Wayne Gates: The other one that I know in my riding that we've talked about, and they have changed some of the regulations around it, is cancers among firefighters. They just had a fundraiser in my riding on

Saturday night for a young firefighter in his early fifties who passed away from cancer. I don't think that people look at that as a profession that actually suffers from cancers, and so, you being a volunteer firefighter, I'm glad you're talking about wearing the proper equipment, getting the proper training, making sure that you're safe. They're all important things.

Mr. Raymond Ramdayal: Mr. Gates, I have an incredible not only passion but appreciation for health and safety. One of the certificates that I mentioned in my opening introduction, actually, is in health and safety. Prior to working for government, I worked in the private sector in the health and safety field, for a private company. That mandate, under the Occupational Health and Safety Act, in my mind is paramount when it comes to protecting our workers, so I completely agree with you.

Mr. Wayne Gates: How do you expect to contribute to the upcoming priorities and initiatives as described in the 2013-14 annual report?

Mr. Raymond Ramdayal: For SLASTO?

Mr. Wayne Gates: Yes.

Mr. Raymond Ramdayal: One of the initiatives that SLASTO is undertaking, of course, is that of cross-appointments. I can see great value with respect to cross-appointing members not only for the purposes of reducing duplication and redundancy but also, hopefully, to increase access and accessibility to the tribunals, as well as ensuring that matters are being dealt with in a timely and efficient manner. I'm hopeful that if I am successfully cross-appointed, I'll be a part of that puzzle, I'll be a part of the diversified group, if you will, that's mentioned in the SLASTO initiatives, to contribute in multiple areas of expertise, to be flexible with respect to scheduling or travel across the province and to handle multiple issues.

Mr. Wayne Gates: The other question I wanted to ask, because it's interesting to me, not just as an MPP: You talk about public health, and you're president of the—

Mr. Raymond Ramdayal: President-elect of the Canadian Institute of Public Health Inspectors, Ontario branch.

Mr. Wayne Gates: Anything on food safety?

Mr. Raymond Ramdayal: Yes. Actually, our public health inspectors and environmental public health professionals across Ontario inspect all licensed restaurants, any place that serves food, essentially, or offers food for sale. It's a large part of our DineSafe program here in Toronto as well.

Mr. Wayne Gates: On the public health file and food safety, is there any education to the public to buy local and support local? Obviously, I believe the healthiest food is right here in Ontario. In my area there is, as you probably know—I'm sure you're familiar with Niagara-on-the-Lake and that area.

Mr. Raymond Ramdayal: Yes.

Mr. Wayne Gates: Buying local fruit and vegetables from a local market is extremely big down in our area.

Has that been part of your mandate as president, educating people, to say, "You know what? We do it extremely well here in Ontario. The food is safe. It's delicious"—that type of education in your role as president?

The Chair (Mr. John Fraser): Mr. Gates, I'm sorry. That's all the time we have for that question.

Mr. Wayne Gates: My favourite question. Thank you, sir.

Mr. Raymond Ramdayal: Thank you.

The Chair (Mr. John Fraser): Mr. Ballard.

Mr. Chris Ballard: Thank you for coming forward. You certainly have an eclectic skill set, I'll say: everything from firefighter to public health and parole board.

It's the parole board experience that I'm interested in. I'm wondering what you've learned there, what you've learned through that process, because I imagine it's not an easy one and it's one that requires a very good set of skills. What have you learned there that will help you on the other boards, to help you do your job better on the other boards?

Mr. Raymond Ramdayal: Mr. Ballard, one of the things that we have at the parole board is fantastic support and a great modular commitment to training and ongoing training with regard to conducting hearings and culturally specific sensitivity issues. The training that I've received at the parole board has essentially added to my vast skill sets. What I can say is that it has opened doors and given me opportunities that I never dreamed of before.

I'll give you an example, if I could. During my time at the parole board, we started developing aboriginal circle hearings. This was in an effort to provide a forum by which people of aboriginal background could actually have a hearing where they felt comfortable, where they felt that they could be heard, and we could put them at ease to probe them with questions that would best inform our decisions. I was happy that I've been able to go, again, across Ontario, most notably up north, to conduct these aboriginal circle hearings with inmates. It allows me access, as well, to native elders, and it allows a great collaboration between the community and the parole board, where we come together to make a well-informed, well-guided and rationalized decision to ensure that those who are being released are those who are deemed to be a manageable risk and those who have been rehabilitated or are seeking rehabilitation on the outside.

So whether it be aboriginal training, mental health issues, female offenders, concepts in risk assessment, all this is sort of added to not only my arsenal but that of all the other parole board members to ensure that regardless of the case that comes before us and regardless of the circumstances, we're able to deal with that in an efficient way, in an effective way, in a way that's impartial and in a way that respects and ensures the integrity of the process and the human rights of the offender that comes before us as well, while at the same time, of course, ensuring the protection of society, which is always paramount.

1630

Mr. Chris Ballard: Okay, very good. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Ballard. Mr. McDonell?

Mr. Jim McDonell: Thank you for coming out and for all your work in the past. Many Ontarians are not aware of the legal recourses available to them through their various provincial tribunals. For some of them, like the animal review board, there are only five days to submit your appeal. Do you think this is a significant challenge and a fair challenge for many people?

Mr. Raymond Ramdayal: In terms of the timeline, Mr. McDonell?

Mr. Jim McDonell: Yes, very short timelines.

Mr. Raymond Ramdayal: I would say that that timeline, whether it be five days, 10 days or whatever it is—I think that where it starts is good communication and sort of a good advertise, for lack of a better word, to the general public with regard to what's available to them in terms of recourse with regard to these appeals.

Once again—and I go back to what I said earlier—I think that people are more likely to come into contact with the administrative justice system than they are the court system. That system can sometimes be very intimidating. I've seen that. I think that as adjudicators, as SLASTO, as a group of tribunals, we have an inherent responsibility to ensure that we're making these services accessible and that we're making that whole process as unintimidating as possible.

A lot of these tribunals have to deal, of course, with unrepresented parties, people who may not have the resources available to them to hire a lawyer. We need to be well trained, we need to be prepared and we need to be able to help people navigate that area of justice, to feel as though their concerns are being heard and to feel as though, at the end of the day, the tribunal will serve the purpose for which it is there.

Going back to your original question on whether five days is enough: I'm not sure. Is 10 days better? Is 30 days better? Maybe the more, the better; I'm not sure. But what I would say is, let's start by ensuring that we're communicating that to the general public. Let's ensure that they're aware of this. How do you do that? Let's ensure that our websites are up to date. Let's ensure we have brochures. Let's ensure we have all of this information in abundance so that when they go looking, they can actually find it.

Mr. Jim McDonell: Have you dealt, in your experience, with people who are unable to afford legal help? We see them coming into our office. They're trying to grapple and trying to get legal aid, but they can't afford it. There are timelines, wait-lists, so something with a five- or even a 10-day waiting list is out of the question. So they're really forced—most times or many times they don't have the education and they're somewhat leery about going before a tribunal. The tribunal may be in Toronto. We're 400 kilometres away.

Have you any experience in dealing with people who have come out of desperation just to tell us their side of the story?

Mr. Raymond Ramdayal: I can't really say so at the parole board only because we're an inquisitorial board and none of our clients who come before us are represented on the one hand. There are some who bring, as an assistant, someone who can perhaps advocate for them to some respect or speak on their behalf. Towards the end of the hearing, they're given an opportunity, but I haven't come across specifically a situation where someone was unable to avail themselves of that assistance.

However, I know that in my experience and training with certain adversarial boards such as the Ontario College of Trades there may be some option to otherwise delay or provide the person with some sort of accommodation until they can actually get some degree of assistance.

Mr. Jim McDonell: Did you have any questions?

Mr. Randy Pettapiece: Yes, I have.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: What's your experience with the farming community, especially with the animal farming community?

Mr. Raymond Ramdayal: Not too much, only because of course I've lived primarily in the GTA, the Toronto area, and worked in this area as well. I have to be somewhat familiar of course with farms and the farming community as president-elect of the Canadian Institute of Public Health Inspectors. I represent all members across Ontario, and that includes health units right across Ontario and up north as well.

I can't say that I've worked hands-on with farmers. I have been involved in an agricultural bite, if I could call it that, as a public health inspector, where a child was bitten by an animal on a farm. That required some collaboration with the appropriate ministry to ensure that the animal was properly quarantined and such.

Mr. Randy Pettapiece: Just getting back to what Mr. McDonell was saying on this time frame, there are certain practices that farmers do that they've been doing for years. Then all of a sudden an inspector shows up, the OSPCA shows up and say, "You can't do that anymore and I'm going to slap you with a \$5,000 fine." It scares the crap out of everybody. In fact, the timeline is so short that the farmer pays the fine even though we consider he was doing nothing wrong. It has taken part of his income away. I'll tell you: It has to do with small pigs that aren't going to make it to market but are edible—they're okay for food—but these inspectors drop in and say, "You can't do it anymore," and, bang, out goes his income on that. Now they have to throw the animals away; they have to dispose of them somehow.

Five days is not long enough for that farmer, after the initial shock, to go to a tribunal and state his case. So there are issues like that going on in the country. I believe they've backed off a little bit because of the publicity that was involved, but I would hope that if you're involved with these types of things, common sense will play into this.

My son is also a volunteer firefighter. He's a captain with our local fire department. Some of the issues that they face with volunteer firefighters are money for

training with small municipalities. He's been doing rather well in the training part of it and there are municipalities that see the benefit of doing that type of thing, but there are a number of departments that don't have that, that can't do it because of money constraints and then sometimes their equipment is not where it should be. Anyway, enough about that.

My biggest concern is the effect that that you could have on our farming communities if you get involved in these types of things—to see where normal farming practices that have been done for years, all of a sudden you get whacked with a potential for a fine. This guy ended up paying the fine because he was so frightened that they were going to shut him right down. Anyway, those are my comments. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Pettapiece. Mr. Ramdayal, that concludes the interview for today. I want to thank you very much for being here. We're going to consider the concurrence at the end of this meeting which would be right now. You may remain in the room if you'd like.

Mr. Raymond Ramdayal: Okay.

The Chair (Mr. John Fraser): Thank you very much again for being here.

Mr. Raymond Ramdayal: Thank you. It's my pleasure.

The Chair (Mr. John Fraser): We'll now consider the concurrence for Raymond Ramdayal as member of the Animal Care Review Board, member of the Fire Safety Commission and member of the Licence Appeal Tribunal. May I have someone put that forward? Mr. Ballard.

Mr. Chris Ballard: So moved.

The Chair (Mr. John Fraser): So moved. Any discussion?

All those in favour? Opposed? Carried. Congratulations, Mr. Ramdayal.

Mr. Raymond Ramdayal: Thank you very much.

The Chair (Mr. John Fraser): Thank you.

That will conclude our meeting for today. See you all tomorrow morning at 9 o'clock.

The committee adjourned at 1639.

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